

PENNSYLVANIA ARCHIVES

Fourth Series

EDITED BY

GEORGE EDWARD REED, LL.D.

UNDER THE DIRECTION OF

HON. W. W. GRIEST

SECRETARY OF THE COMMONWEALTH.

VOLUME I.

PAPERS OF THE GOVERNORS.

1681-1747.



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PREFACE.

ALL THE OFFICIAL DOCUMENTS IN THE Archives of the State are not of equal moment, but it is safe to say that none of them exceed in historical value the various communications of the Governors,—Colonial, Provincial and State. These documents constitute a vast amount of important material, hitherto scattered in various places throughout the manuscript and printed papers of the Commonwealth, and afford an invaluable source of historical information. The fact that the hand of the vandal has already found its way to some of the original documents, and inflicted irreparable damage upon them, and that little more would be required to render many of them absolutely illegible, indicates the danger of further delay with regard to them.

In order to bring these priceless papers into accessible shape and to multiply copies of them to such an extent that the information contained in them should never be lost, they are, in this and the following volumes, brought together and supplied with descriptive titles and suitable indexes.

The papers will be found to fall naturally into six classes:

1. Addresses,
2. General Messages,
3. Special Messages,
4. Veto Messages,
5. Proclamations,
6. Correspondence.

The first five are fully represented in this collection, but the sixth,—the correspondence of the Governors—has been included only in certain cases where it has been of evident historical value, and where it has been readily accessible.

The portraits which appear in the series are half-tone reproductions of the paintings of the Governors which hang in the Executive Department, and the other illustrations are fac similes of original documents on file in the archives of the Commonwealth.

The Editor desires to acknowledge the cordial co-operation of the Honorable W. W. Griest, Secretary of the Commonwealth, under whose authorization this series has been prepared, and to express his appreciation of the courteous assistance rendered by Mr. George D. Thorn, Chief Clerk in the Secretary's Office.

He also deems himself fortunate in having been able to secure in connection with the preparation of the work, the advice and assistance of his friend,

Major James E. Pilcher, of Carlisle, to whose experienced eye and reliable judgment, the series owes many of its most desirable features. Acknowledgments are also due Mr. Howard B. Hartswick for many useful suggestions and much assistance, and to Messrs. Gray and Swartz, of the State Library, and Mr. W. Homer Ames, of Carlisle, for valuable help.



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THE CHARTER
OF THE PROVINCE.

FRAMES OF GOVERNMENT.

LAWS AGREED UPON
IN ENGLAND.



PENNSYLVANIA ARCHIVES.

FOURTH SERIES.

THE PAPERS OF THE GOVERNORS.

Chapter I.

THE CHARTER OF THE PROVINCE, THE SEVERAL
FRAMES OF GOVERNMENT, AND THE LAWS
AGREED UPON IN ENGLAND.

I. Charter of the Province of Pennsylvania.

CHARLES THE SECOND, BY THE GRACE OF
GOD King of England, Scotland, France and
Ireland, defender of the faith, &c., To all to
whome these presents shall come GREETING.
Whereas our Trustie and well beloved Subject, Wil-
liam Penn, Esquire, sonn and heire of Sir William
Penn, deceased, out of a commendable desire to en-
large our English Empire, and promote such usefull
comodities as may bee of benefit to us and our Domin-
ions, as alsoe to reduce the Savage Natives by gentle
and iust manners to the love of civill Societie and
Christian Religion hath humbley besought leave of
us to transport an ample colonie unto a certaine Coun-

trey hereinafter described in the partes of America not yet cultevated and planted. And hath likewise humbley besought our Royall majestie to give, grant, and confirme all the said countrey with certain privileges and Jurisdiccons requisite for the good Government and saftie of the said Countrey and Colonie, to him and his heires forever. KNOWYEE, therefore, that wee, favouring the petition and good purpose of the said William Penn, and haveing regard to the memorie and meritts of his late father, in divers services, and perticularly to his conduct, courage and discretion under our dearest brother, James, Duke of Yorke, in that signall battell and victorie, fought and obtained against the Dutch fleete, comanded by the Heer Van Opdam, in the yeare One thousand six hundred sixtie-five, in consideration thereof of our special grace, certaine knowledge and meere motion, Have given and granted, and by this our present Charter, for us, our heires and successors, Doe give and grant unto the said William Penn, his heires and assignes all that tract or parte of land in America, with all the Islands therein conteyned, as the same is bounded on the East by Delaware River, from twelve miles distance, Northwarde of New Castle Towne unto the three and fortieth degree of Northern latitude if the said River doth extend soe farre Northwards; But if the said River shall not extend soe farre Northward, then by the said River soe farr as it doth extend, and from the head of said River the Easterne bounds are to bee determined by a meridian line, to bee drawn from the head of the said River unto the said three and fortieth degree, the said lands to extend Westwards, five degrees in longitude, to be computed from the said Easterne Bounds, and the said lands to bee bounded on the North, by the beginning of the three and fortieth degree of Northern latitude, and on the south, by a circle drawn at twelve miles, distance from New

Castle Northwards, and Westwards unto the beginning of the fortieth degree of Northerne Latitude; and then by a streight line Westwards, to the limitt of Longitude above menconed. WEE DOE also give and grant unto the said William Penn, his heires and assignes, the free and vndisturbed vse, and continuance in and passage into and out of all and singular Ports, harbours, Bayes, waters, rivers, Isles and Inletts, belonging vnto or leading to and from the Countrey, or Islands aforesaid; and all the soyle, lands, fields, woods, vnderwoods, mountaines, hills, fenns, Isles, Lakes, Rivers, Waters, rivulets, Bays and Inletts, scituate or being within or belonging vnto the Limitts and Boundis aforesaid, together with the fishing of all sortes of fish, whales, sturgeous, and all Royall and other fishes in the sea, bayes, Inletts, waters or Rivers, within the premises, and the fish therein taken, and alsoe all veines, mines and quarries, as well discovered as not discovered, of Gold, Silver, Gemms and pretious Stones, and all other whatsoever, stones, metall, or of any other thing or matter whatsoever, found or to bee found within the Countrey, Isles, or Limitts aforesaid; and him the said William Penn, his heires and assignes, WEE DOE, by this our Royall Charter, for vs, our heires and successors, make, create and constitute the true and absolute proprietaries of the Countrey aforesaid, and of all other, the premises, saving alwayes to vs, our heires and successors, the faith and allegiance of the said William Penn, his heires and assignes, and of all other, the proprietaries, tenants and Inhabitants that are, or shall be within the Territories and precincts aforesaid; and saving also vnto us, our heires and Successors, the Sovereignty of the aforesaid Countrey, TO HAVE, hold and possesse and enjoy the said tract of Land, Countrey, Isles, Inletts and other the premises, vnto the said William Penn, his heires and assignes, to the only proper use and be-

hoofe of the said William Penn, his heires and assignes forever. To bee holden of vs, our heires and Successors, Kings of England, as of our Castle of Windsor, in our County of Berks, in free and comon socage by fealty only for all services, and not in Capite or by Knights service, Yeelding and paying therefore to vs, our heires and Successors, two Beaver Skins to bee delivered att our said Castle of Windsor, on the first day of January, in every yeare; and also the fifth parte of all Gold and silver Oare, which shall from time to time happen to be found within the Limitts aforesaid, cleare of all charge, and of our further grace certaine knowledge and meere mocon, wee have thought fitt to Erect, and wee doe hereby Erect the aforesaid Country and Islands, into a province and Seigiorie, and doe call itt Pensilvania, and soe from henceforth wee will have itt called, and forasmuch as wee have hereby made and ordeyned the aforesaid William Penn, his heires and assignes, the true and basolute Proprietaries of all the Lands and Dominions aforesaid. KNOW YEE therefore, that wee reposing special trust and con in the fidelitie, wisdome, Justice, and provident circum-spectcon of the said William Penn, for us, our heires and successors, Doe grant free, full and absolute power, by vertue of these presents to him and his heirs, and to his and their Deputies, and Lientenants, for the good and happy government of the said Countrey, to ordeyne, make, enact and under his and their Seales to publish any Lawes whatsoever, for the raising of money for the publick use of the said province, or for any other end apperteyning either unto the public state peace, or safety of the said Countrey, or vnto the private vtility of perticular persons, according unto their best discretions, by and with the advice, assent and approbacon of the freemen of the said Countrey, or the greater parte of them, or of their Delegates or Deputies, whom for the Enacting of the said Lawes, when, and as often

as need shall require. WEE WILL, that the said William Penn, and his heires, shall assemble in such sort and forme as to him and them shall seeme best, and the same lawes duely to execute vnto, and upon all people within the said Countrey and limits thereof; and Wee doe likewise give and grant unto the said William Penn, and his heires, and to his and their Deputies and Lieutenants, such power and authoritie to appoint and establish any Judges, and Justices, magistrates and officers whatsoever, for what causes soever, for the probates of wills and for the granting of administracons within the precincts aforesaid, and with what power soever, and in such forme as to the said William Penn, or his heires, shall seeme most convenient. Alsoe, to remitt, release, pardon and abolish, whether before Judgement or after, all crimes and offences, whatsoever committed within the said Countrey, against the said Lawes, treason and wilfull and malicious murder onely excepted; and in those cases, to grant reprieves untill our pleasure may bee knowne thereon, and to doe all and every other thing and things which unto the complete establishment of Justice unto Courts and Tribunals, formes of Judicature and manner of proceedings doe belong, although in these presents expresse mencon bee not made thereof; and by Judges by them delegated to award processe, hold pleas and determine in all the said Courts and Tribunalls, all accons, suits and causes whatsoever, as well criminall as civill, personall, reall and mixt, which Lawes soe as aforesaid, to be published. Our pleasure is, and soe Wee enjoyne, require and command shall bee most absolute and avaylable in law, and that all the Liege people and Subjects of vs, our heirs and successors, doe observe and keepe the same inviolable in those partes, soe farr as they concerne them, under the paine therein expressed, or to bee expressed. Provided; Nevertheless, that the said Lawes bee consonant to reason, and bee

not repugnant or contrarie, but as neere as conveniently may bee agreeable to the Lawes, statutes and rights of this our Kingdome of England, and saving and reserving to vs, our heirs and successors, the receiving, hearing and determining of the appeale and appeales, of all or any person or persons, of, in or belonging to the territories aforesaid, or touching any Judgement to bee there made or given.—And forasmuch as in the Government of soe great a Countrey, sudden accidents doe often happen, whereunto itt will be necessarie to apply a remedie before the freeholders of the said Province, or their Delegates or Deputies can bee assembled to the making of Lawes, neither will itt be convenient that instantly vpon every such emergent occasion, soe greate a multitude should be called together. Therefore, for the better Government of the said Countrey, WEE WILL, and ordeyne, and by these presents for vs, our heires and successors, Doeg rant unto the said William Penn, and his heires, by themselves or by their magistrates and officers, in that behalfe, duely to bee ordeyned as aforesaid, to make and constitute, fitt and wholesome ordinance from time to time within the said Country, to bee kept and observed as well for the preservacon of the peace, as for the better government of the people there inhabiting, and publickly to notifie the same, to all persons whome the same doeth or any way may concerne, which ordinances our will and pleasure is, shall be observed inviolably within the said Province, under paines therein to bee expressed, soe as the said ordinances bee consonant to reason and bee not repugnant nor contrary, but soe farre as conveniently may bee agreeable with the Lawes of our kingdome of England, and soe as the said ordinances be not extended in any sort to bind, charge or take away the right or interest of any person or persons, for or in their life, members, frechold, goods Chattels; and our further will and pleasure is, that the Lawes for regulateing and

governing of propertie, within the said Province, as well for the descent and enjoyment of lands, as likewise for the enjoyment and succession of goods and Chattells, and likewise as to felonies, shall be and continue the same as shall bee for the time being, by the general course of the law in our Kingdome of England, untill the said Lawes shall be altered by the said William Penn, his heires or assignes, and by the freemen of the said Province, their Delegates or Deputies, or the greater part of them. And to the End the said William Penn, or heires, or other, the Planters, Owners or Inhabitants of said Province, may not att any time hereafter, by miscontrucon of the powers aforesaid, through inadvertiencie or designe, depart from that faith and due allegiance which by the Lawes of this our Realme of England, they and all our subjects, in our Dominions and Territories, always owe vnto us, our heires and successors, by colour of any extent or largenesse of powers hereby given, or pretended to bee given, or by force or colour of any lawes hereafter to bee made in the said Province, by virtue of any such powers. Our further will and pleasure is, that a transscript or Duplicate of all lawes which shall bee soe as aforesaid, made and published within the said province, shall within five yeares after the makeing thereof, be transmitted and delivered to the privy Councell, for the time being, of ous, our heires and successors; and if any of the said Lawes within the space of six months, after that they shall be soe transmitted and delivered, bee declared by us, our heires and successors, in our or their privy Councill, inconsistent with the sovereignty or lawfull prerogative of vs, our heirs or successors or contrary to the faith and allegiance due by the legall Government of this realme, from the said William Penn, or his heires, or of the Planters and Inhabitants of the said province; and that thereupon any of the said Lawes shall bee adjudged and declared to bee void

by us, our heirs or successors, under our or their Privy Seale, that then, and from henceforth such Lawes concerning which such Judgement and declaracon shall be made, shall become voyd, otherwise the said lawes soe transmitted, shall remaine and stand in full force according to the true intent and meaning thereof. Furthermore, that this new Colony may the more happily increase, by the multitude of people resorting thither; THEREFORE, WEE, for us, our heires and successors, do give and grant by these presents, power, licence and libertie vnto all the liege people and subjects, both present and future of us, our heires and successors, excepting those who shall bee especially forbidden, to transport themselves and families unto the said Countrey, with such convenient shipping, as by the lawes of this, our kingdome of England, they ought to vse with fitting provisions paying only the customs therefore due, and there to settle themselves, dwell and inhabitt and plant for the public and their own private advantage; AND FURTHERMORE, that our subjects may bee the rather encouraged to undertake this expedicon with ready and cheerful minds. KNOW YEE, that wee, of our especial grace, certain knowledge and meere mocon, Doe give and grant by vertue of these presents, as well unto the said William Penn and his heires, as to all others who shall from time to time repaire unto the said Countrey, with a purpose to inhabitt there, or to trade with the native of the said Countrey, full license to lade and freight in any Ports, whatsoever of us, our heires and successors, according to the lawes, made, or to be made within our kingdome of England, and into the said Countrey, by them, their servants or assignes, to transport all and singular their wares, goods and merchandizes, as likewise, all sorts of graine whatsoever, and all other things whatsoever necessary for food or cloathing, not phibited by the lawes and Statutes of our kingdomes and Dominions, to be carryed

out of the said kingdomes without any lett or molestation of us, our heires and successors, or of any of the officers of vs, our heires and successors, saveing alwayes to vs, our heires and successors, the legall impossitons, customes, and other duties and payments for the said wares and merchandize, by any law or statute due or to be due to vs, our heires and successors. AND WEE DOE further for vs, our heires and Successors give and grant unto the said William Penns, his heires and assignes, free and absolute power to Divide the said Countrey, and Islands, into Townes, Hundreds and Counties, and to erect and incorporate Townes into Borroughs, and Borroughs into Citties, and to make and constitute ffaire and markets therein, with all other convenient privileges and imunities according to the merits of the inhabitants and the ffitnes of the places; & to doe all and every other thing and things touching the premises which to him or them shall seeme requisite, and meet, albeit they be such as of their owne nature might otherwise require a more especiall commandment and warrant, then in these presents is expressed. WE WILL ALSOE, and by these presents for us, our heires and successors, WEE doe give and grant licence by this our charter, unto the said William Penn, his heires and assignes, and to all inhabitants and dwellers in pvince aforesaid, both present, and to come to import or unlade by themselves or their Servants, ffactors or assignes, all merchandizes and goods whatsoever, that shall arise of the fruites and comodities of the said province, either by Land or Sea, into any of the Ports of us, our heires and successors, in our kingdome of England, and not into any other country whatsoever. And WEE give him full power to dispose of the said goods in the said ports, and if need bee, within one yeare next after the unladeing of the same, to lade the said merchandizes and goods again into the same or other ships, and to export the same into any other Countreys, either of our Dominions or

fforweigne, according to lawe: Provided alwayes, that they pay such customes and imposicons, subsidies and duties for thesame to vs, our heires and successors, as the rest of our subjects of our kingdome of England, for the time being shall be bound to pay, and doe observe the acts of Navigation and other lawes in that behalfe made. **AND FURTHERMORE**, of our more ample and especiall grace, certain knowledge and meere motion, **WEE DOE**, for vs, our heires and successors. Grant unto the said William Penn, his heires and assignes, full and absolute power and authoritie, to make, erect and constitute within the said province, and the Isle and Isletts aforesaid, such and soe many Seaports, harbours, Creeks, Havens, Keyes and other places, for discharge and unlading of goods, & merchandize out of the shipp, boates and other vessells, and ladeing them in such and soe many places, and with such rights, Jurisdiccons, liberties and privileges unto the said ports, belonging as to him or them, shall seeme most expedient, and that all and singuler the shipp, boates and other vessells, which shall come for merchandize and trade, vnto the said pvince, or out of the same shall depart, shall be laden or unladen only att such ports as shall be erected and constituted by the said William Penn, his heires and assignes, any use, custome or other thing to the contrary notwithstanding: **PROVIDED**, that the said William Penn and his heires, and the Lieutenants and Governors for the time being, shall admitt and receive in and about all such ports, havens, Creeks and Keyes, all officers and their Deputies, who shall from time to time be appointed for that purpose, by the ffarmers or Commissioners of our customes, for the time being. **AND WEE DOE** further appoint and ordaine, and by these presents for us, our our heires and successors, **WEE DOE** grant unto the said William Penn, his heires and assignes, that he the said William Penn, his heires and assignes, may from time

to time forever, have and enjoy the customes and subsidies in the ports, harbours and other Creeks, and places aforesaid, within the pvince aforesaid, payable or due for merchandizes and ware, there to be laded and unladed, the said customes and subsidies to be reasonably assessed, upon any occasion by themselves, and the people there as aforesaid, to be assembled to whom WEE give power, by these present for vs, our heires and successors, upon just cause, and in a due pporcon, to assesse and impose the same, saveing vnto us, our heires and successors, such imposcons and customes as by act of parliament are and shall be appointed; and it is our further will and pleasure, that the said William Penn, his heires and assignes, shall from time to time constitute and appoint an attorney or agent, to reside in or near our City of London, who shall make knowne the place where he shall dwell or may be found, vnto the Clerks of Our privy Counsell, for the time being, or one of them, and shall be ready to appeare in any of our Courtts at Westminster, to answer for any misdemeanors that shall be comitted, or by any wilfull default or neglect pmitted by the said William Penn, his heirs or assignes, against our Lawes of Trade or Navigacon, and after it shall be ascertained in any of the our said Courts, what damages WEE or our heires or successors shall have sustained, by such default or neglect, the said William Penn, his heires and assignes, shall pay the same within one yeare after such taxacon and demand thereof, from such attorney, or in case there shall be noe such attorney, by the space of one yeare, or such attorney shall not make payment of such damages, within the space of one yeare, and answer such other forfeitures and penalties within the said time, as by the acts of parliament in England, are or shall be pvided, according to the true intent and meaning of these presents: Then it shall be lawfule for vs, our heirs and successors, to seize and Resume

the government of the said pvince or Countrey, and the same to retaine until payment shall be made thereof. But notwithstanding any such seizure or resumption of the Government, nothing concerning the propriety or ownership of any Lands, Tenements or other hereditaments, or goods, or chattels of any of the adventurers, Planters or owners, other than the respective offenders there shall be any way affected or molested thereby: PROVIDED alwayes, and our will and pleasure is that neither the said William Penn, nor his heires, nor any other the inhabitants of the said pvince, shall at any time hereafter have or maintain any correspondence with any other king, prince or State, or with any of their subjects, who shall then be in warr against vs, our heires or successors; Nor shall the said William Penn, or his heires, or any other the inhabitants of the said pvince, make warre or doe any act of hostilitie against any other king, prince or state, or any of their subjects, who shall then be in league or amity with vs, our heires or successors. And because in soe remote a Countrey, and scituate neare many Barbarous Nations, the incursions as well of the savages themselves, as of other enemies, pirates and Robbers, may pbably be feared. Therefore, WEE have given and for vs, our heires and successors, Doe give power by these presents unto the said William Penn, his heires and assignes, by themselves or their Captaines or other, their officers to levy, muster and traine all sorts of men, of what condicon, or wheresoever borne, in the said pvince of Pensylvania, for the time being, and to make warr and pursue the enemies and Robbers aforesaid, as well by Sea as by Land, yea, even without the Limits of the said pvince, and by God's assistance to vanquish and take them, and being taken, to put them to death by the law of Warr, or to save them att their pleasure, and to doe all and every other act and thing, which to the charge and office of a Captaine

generall of an Army, belongeth or hath accustomed to belong, as fully and freely as any Captaine Generall of an Army, hath ever had the same. AND FURTHERMORE, of our especiall grace and of our certaine knowledg and meere motion, WEE have given and granted, and by these presents for us, our heires and successors, Doe give and grant unto the said William Penn, his heires and assignes, full and absolute power, licence and authoritie, That he the said William Penn, his heires and Assignes, from time to time hereafter forever, att his or their will and pleasure, may assigne, alien, grant, demise or infeoffe of the premises, soe many, and such partes and parcells to him or them, that shall be willing to purchase the same, as they shall thinke fitt. TO HAVE AND TO HOLD to them, the said person and persons willing to take or purchase, their heires and assignes, in ffee simple or ffeetaile, or for the term of life, or lives, or yeares, to be held of the said William Penn, his heires and assignes as of the said Seigniory of Windsor, by such services, customes and rents, as shall seeme fitt to the said William Penn, his heires and assignes, and not imediately of vs, our heirs and successors, and to the same person or persons, and to all and every of them, WEE DOE give and grant by these presents, for us, our heires and successors, Licence, authoritie and power, that such person or persons may take the premisses or any parcell thereof, of the aforesaid William Penn, his heires or assignes, and the same to hold to themselves, their heires and assignes, in what estate of inheritance soever, in ffee simple or in ffeetaile or otherwise, as to him the said William Penn, his heires and assignes, shall seem expedient. The Statutes made in the parliament of Edward, sonne of king Henry, late king of England, our predecessor, commonly called the Statute Qui Emptores terrarum, lately published in our kingdome of England, in any wise notwithstanding, and by

these presents, WEE give and grant licence unto the said William Penn, and his heires, likewise to all and every such person and persons to whom the said William Penn, or his heires, shall at any time hereafter, grant any estate of inheritance as aforesaid, to erect any parcells of Land within the pvince aforesaid, into mannors, by and with the licence to be first had and obteyned for that purpose under the hand and seale of the said William Penn, or his heires, and in every of the said mannors, to have and to hold a Court Baron, with all things whatsoever, which to a Court Baron do belong; and to have and to hold view of ffrankpledge, for the conservacon of the peace, and the better government of those parties by themselves or their Stewarts, or by the Lords for the time being, of other mannors to be deputed when they shall be erected, and in the same to vse all things belonging to view of ffrankpledge; and WEE doe further grant licence and authoritie that every such person and persons, who shall erect any such mannor or mannors as aforesaid, shall or may grant all or any parte of his said lands to any person or persons, in ffee simple or any other estate of inheritance, to be held of the said mannors respectively, soe as noe further tenures shall be created, but that vpon all further and other alienacons thereafter, to be made the said lands so aliened, shall be held of the same Lord and his heires, of whom the alien did then before held, and by the like rents and services, which were before due and accustomed. And further, our pleasure is and by these presents for vs, our heires and successors, WEE doe Covenant and grant to and with the said William Penn, and his heires and assignes, that WEE, our heires and successors, shall att no time hereafter sett or make, or cause to be sett, any imposicon, custome or other taxacon, rate or contribucon whatsoever, in and upon the dwellers and inhabitants of the aforesaid pvince, for their lands, tenements, goods or chat-

tels, within the said province, or in and upon any goods or merchandize within the said pvince, or to be laden or unladen within the ports or harbours of the said pvince, unles the same be with the consent of the pprietary, or chiefe Governor and Assembly, or by act of parliament in England. And our pleasure is, and for us our heires and successors, WEE charge and comand, that this our Declaracon, shall from henceforward be received, and allowed from time to time in all our Courts, and before all the Judges of vs, our heires and successors, for a sufficient and lawful discharge, payment and acquittance, comandng all and singular the officers and ministers of us, our heires and successors, and enjoyneing them vpon paine of our high displeasure, that they doe not presume att any time to attempt any thing to the contrary of the premises, or that they doe in any sort withstand the same, but that they bee att all times aiding and assisting as is fitting unto the said William Penn, and his heires, and to the inhabitants and merchants of the pvince aforesaid, their servants, ministers, ffactors and assignes, in the full use and fruition of the benefitt of this our Charter: And our further pleasure is, And WEE doe hereby, for vs, our heires and successors, charge and require that if any of the inhabitants of the said pvince, to the number of Twenty, shall att any time hereafter be desirous, and shall by any writeing or by any person deputed for them, signify such their desire to the Bishop of London, that any preacher or preachers to be approved by the said Bishop, may be sent vnto them for their instruction, that then such preacher or preachers, shall and may be and reside within the said pvince, without any Deniall or molestacon whatsoever; and if pchance it should happen hereafter, any doubts or questions should arise concerneing the true sence & meaning of any word clause or sentence, conteyned in this our present charter, WEE WILL ordaine and comand, that

att all times and in all things such interpretacon be made thereof, and allowed in any of our Courts whatsoever, as shall be adjudged most advantageous and favourable unto the said William Penn, his heires and assigns: PROVIDED alwayes that no interpretacon be admitted thereof, by which the allegiance due unto us, our heires and successors, may suffer any prejudice or diminucon, although expres mencon be not made in these presents, of the true yearly value or certainty of the premisses, or of any parte thereof, or of other guifts and grants made by us, our pgenitors or predecessors, unto the said William Penn, or any Statute, act, ordinance, pvision, pclamacon or restraint heretofore, had made, published, ordained or pvided, or any other thing, cause or matter whatsoever to the contrary thereof, in any wise notwithstanding. In Witness whereof WEE have caused these our letters to be made patents, Witness our selfe at Westminster, the fourth day of March, in the three and thirtieth yeare of our Reigne.

PIGOTT.

By Writt of privy Seale.

JOHN SHALER, chvr.

xxvij die Janry, 1682, Fir.

Certain Conditions or Concessions,

Agreed upon by William Penn, Proprietary and Governor of the Province of Pennsylvania and those who are the adventurers and purchasers in the same province the Eleventh of July, one thousand six hundred and eighty-one.

First. That so soon as it pleasth God that the above said persons arrive there, a quantity of land or Ground

plat shall be laid out for a large Town or City in the most convenient place upon the River for health and navigation; and every purchaser and adventurer shall by lot have so much land therein as will answer to the proportion which he hath bought or taken up upon rent. But it is to be noted that the surveyors shall consider what Roads or Highways will be necessary to the Cities, Towns, or through the lands. Great roads from City to City, not to contain less than forty feet in breadth shall be first laid out and declared to be for highways before the Dividend of acres be laid out for the purchaser, and the like observation to be had for the streets in the Towns and Cities, that there may be convenient roads and streets preserved not to be encroached upon by any planter or builder that none may build irregularly to the damage of another. In this custom governs.

Secondly. That the land in the Town be laid out together after the proportion of ten thousand acres of the whole country, that is two hundred acres, if the place will bear it: However that the proportion be by lot and entire so as those that desire to be together, especially those that are by the catalogue laid together, may be so laid together both in the Town & Country.

Thirdly. That when the Country lots are laid out, every purchaser from one thousand to Ten thousand acres or more, not to have above One thousand acres together, unless in three years they plant a family upon every thousand acres; but that all such as purchase together, lie together; and if as many as comply with this Condition, that the whole be laid out together.

Fuorthly. That where any number of purchasers, more or less, whose number of acres amounts to Five or ten thousand acres, desire to sit together in a lot or township, they shall have their lot or Township cast together, in such places as have convenient Harbours or navigable rivers attending it, if such can be found,

and in case any one or more Purchasers plant not according to agreement, in this concession to the prejudice of others of the same Township upon complaint thereof, made to the Governor or his deputy, with assistance they may award (if they see cause) that the complaining purchaser may, paying the survey money, and purchase money, and Interest thereof, be entitled, inrolled, and lawfully invested in the lands so not seated.

Fifthly. That the proportion of lands that shall be laid out in the first great Town or City, for every purchaser, shall be, after the proportion of Ten acres, for every Five hundred acres purchased, if the place will allow it.

Sixthly. That notwithstanding there be no mention made in the several Deeds made to the purchasers, yet the said William Penn, does accord and declare, that all Rivers, Rivulets, Woods and Underwoods, Waters, Watercourses, Quarries, Mines and Minerals, (except mines Royal), shall be freely and fully enjoyed and wholly by the purchasers into whose lot they fall.

Seventhly. That for every Fifty acres that shall be allotted to a servant, at the end of his service, his Quitrent shall be two shillings per annum, and the master or owner of the Servant, when he shall take up the other Fifty acres, his Quitrent shall be Four shillings by the year, or if the master of the servant, (by reason of the Indentures he is so obliged to do,) allot out to the Servant Fifty acres in his own Division, the said master shall have on demand allotted him from the Governor, the One hundred acres, at the chief rent of Six shillings per annum.

Eighthly. And for the encouragement of such as are ingenious, and willing to search out Gold and silver mines in this province, it is hereby agreed that they have liberty to bore and dig in any man's property, fully paying the damage done, and in case a Discovery

should be made, that the discoverer have One Fifth, the owner of the soil (if not the Discoverer) a Tenth part, the Governor Two Fifths, and the rest to the public Treasury, saving to the king the share reserved by patent.

Ninthly. In every hundred thousand acres, the Governor and Proprietary by lot reserveth Ten to himself, which shall lie but in one place.

Tenthly. That every man shall be bound to plant or man so much of his share of Land as shall be set out and surveyed within three years after it is so set out and surveyed, or else it shall be lawful for new comers to be settled thereupon, paying to them their survey money, and they go up higher for their shares.

Eleventhly. There shall be no buying and selling, be it with an Indian, or one among another of any Goods to be exported but what shall be performed in public market, when such place shall be set apart or erected, where they shall pass the public Stamp or Mark. If bad ware and prized as good, or deceitful in proportion or weight, to forfeit the value as if good, and full weight and proportion to the public Treasury of the Province, whether it be the merchandize of the Indian or that of the Planters.

Twelfthly. And forasmuch as it is usual with the planters to overreach the poor natives of the Country in Trade, by Goods not being good of the kind, or debased with mixtures, with which they are sensibly aggrieved, it is agreed, whatever is sold to the Indians, in consideration of their furs, shall be sold in the market place, and there suffer the test, whether good or bad; if good to pass; if not good, not to be sold for good, that the natives may not be abused nor provoked.

Thirteenthly. That no man shall by any ways or means, in word or deed, affront or wrong any Indian, but he shall incur the same penalty of the Law, as if he had committed it against his fellow planters; and

if any Indian shall abuse, in Word or Deed, any planter of this province, that he shall not be his own Judge upon the Indian, but he shall make his complaint to the Governor of the province, or his Lieutenant or Deputy, or some inferior magistrate near him, who shall, to the utmost of his power, take care with the king of the said Indian, that all reasonable Satisfaction be made to the said injured planter.

Fourteenthly. That all differences between the Planters and the natives shall also be ended by Twelve men, that is, by Six planters and Six natives, that so we may live friendly together as much as in us lieth, preventing all occasions of Heart burnings and mischief.

Fifteenthly. That the Indians shall have liberty to do all things relating to improvement of their Ground, and providing sustenance for the families, that any of the planters shall enjoy.

Sixteenthly. That the laws as to Slanders, Drunkenness, Swearing, Cursing, Pride in apparel, Trespasses, Distresses, Replevins, Weights and measures, shall be the same as in England, till altered by law in this province.

Seventeenthly. That all shall mark their hogs, sheep and other cattle, and what are not marked within three months after it is in their possession, be it young or old, it shall be forfeited to the Governor, that so many people may be compelled to avoid the occasions of much strife between Planters.

Eighteenthly. That in clearing the ground, care be taken to leave One acre of trees for every five acres cleared, especially to preserve oak and mulberries, for silk and shipping.

Nineteenthly. That all ship masters shall give an account of their Countries, Names, Ships, Owners, Freights and Passengers, to an officer to be appointed for that purpose, which shall be registered within Two days after their arrival; and if they shall refuse so to

do that then none presume to trade with them, upon forfeiture thereof; and that such masters be looked upon as having an evil intention to the province.

Twentiethly. That no person leave the province without publication being made thereof in the market place, Three weeks before, and a certificate from some Justice of the peace, of his clearness with his neighbours and those he has dealt withal, so far as such an assurance can be attained and given; and if any master of a ship shall contrary hereunto receive, and carry away any person that hath not given that public notice, the said master shall be liable to all debts owing by the said person, so secretly transported from the province. Lastly, that these are to be added to or corrected from and with the consent of the parties hereunto subscribed.

Sealed and delivered in the presence of

WILLIAM PENN.

William Boelham,
Harbert Springet,
Thomas Prudyard,

Humphry South,
Thomas Barker,
Samuel Jobson,
John Joseph Moore,
William Powell,
Richard Davie,
Griffith Jones,
Hugh Lambe,
Thomas Farrinborough,
John Goodson.

Sealed and delivered
in the presence of all
the proprietors who
have hereunto subscribed,
except Thomas Farrinborough
and John Goodson, in the presence of

Hugh Chamberlen,
R. Murray,
Harbert Springet.

II. The Frame of the Government.

Of the Province of Pennsylvania, in America: together with certain laws in England, by the Governor and divers freemen of the aforesaid Province. To be further explained and confirmed there by the first Provincial Council that shall be held, if they see meet.

THE PREFACE.

WHEN THE GREAT AND WISE GOD HAD made the world, of all his creatures it pleased him to choose man his deputy to rule it; and to fit him for so great a charge and trust, he did not only qualify him with skill and power, but with integrity to use them justly. This native goodness was equally his honor and his happiness; and whilst he stood here, all went well; there was no need of coercive or compulsive means; the precept of divine love and truth in his bosom was the guide and keeper of his innocence. But lust prevailing against duty, made a lamentable breach upon it; and the law, that before had no power over him, took place upon him and his disobedient posterity, that such as would not live conformable to the holy law within, should fall under the reproof and correction, of the just law without, in a judicial administration.

This the apostle teaches us in divers of his epistles. The law (says he) was added because of transgression: In another place, knowing that the law was not made for the righteous man; but for the disobedient and ungodly, for sinners, for unholy and prophane, for murderers, for whoremongers, for them that defile themselves

with mankind, and for menstealers, for liars, for perjured persons, &c. But this is not all, he opens and carries the matter of government a little further: Let every soul be subject to the higher powers, for there is no power but of God. The powers that be are ordained of God: whosoever therefore resisteth the power, resisteth the ordinance of God. For rulers are not a terror to good works, but to Evil: wilt thou then not be afraid of the power? Do that which is good, and thou shalt have praise of the same.—He is the minister of God to thee for good.—Wherefore ye must needs be subject, not only for wrath, but for conscience sake.

This settles the divine right of government beyond exception, and that for two ends; first, to terrify evil-doers; secondly, to cherish those that do well; which gives government a life beyond corruption, and makes it as durable in the world, as good men shall be. So that government seems to me a part of religion itself, a thing sacred in its institution and end. For if it does not directly remove the cause, it crushes the effects of evil, and is as such (tho' a lower yet) an emanation of the same Divine Power, that is both author and object of pure religion; the difference lying here, that the one is more free and mental, the other more corporal and compulsive in its operations: but that is only to evil-doers; government itself being otherwise as capable of kindness, goodness and charity, as a more private society. They weekly err, that think there is no other use of government than correction, which is the coarsest part of it: daily experience tells us, that the care and regulation of many other affairs more soft and daily necessary, make up much the greatest part of government; and which must have followed the peopling of the world, had Adam never fell, and will continue among men on earth under the highest attainments they may arrive at, by the coming of the blessed second Adam, the Lord from Heaven. Thus much of government in general, as to its rise and end.

For particular frames and models, it will become me to say little; and comparatively I will say nothing. My reasons are: first, that the age is too nice and difficult for it; there being nothing the wits of men are more busy and divided upon. 'Tis true, they seem to agree in the end, to wit, happiness; but in the means they differ, as to divine, so to this human felicity; and the cause is much the same, not always want of light and knowledge, but want of using them rightly. Men side with their passions against their reason, and their sinister interests have so strong a bias upon their minds, that they lean to them against the good of the things they know.

Secondly, I do not find a model in the world, that time, place, and some singular emergences have not necessarily altered; nor is it easy to frame a civil government, that shall serve all places alike.

Thirdly, I know what is said by the several admirers of monarchy, aristocracy and democracy, which are the rule of one, a few, and many, and are the three common ideas of government, when men discourse on that subject. But I choose to solve the controversy with this small distinction, and it belongs to all three; any government is free to the people under it (whatever be the frame) where the laws rule, and the people are a party to those laws, and more than this is tyranny, oligarchy, and confusion.

But lastly, when all is said, there is hardly one frame of government in the world so ill designed by its first founders, that in good hands would not do well enough; and story tells us, the best in ill ones can do nothing that is great or good; witness the Jewish and Roman states. Governments, like clocks, go from the motion men give them, and as governments are made and moved by men, so by them they are ruined too. Wherefore governments rather depend upon men, than men upon governments. Let men be good, and the govern-

ment cannot be bad; if it be ill, they will cure it. But if men be bad, let the government be never so good, they will endeavour to warp and spoil to their turn.

I know some say, let us have good laws, and no matter for the men that execute them: but let them consider, that though good laws do well, good men do better; for good laws may want good men, and be abolished or invaded by ill men; but good men will never want good laws, nor suffer ill ones. 'Tis true, good laws have some awe upon ill ministers, but that is where they have not power to escape or abolish them, and the people are generally wise and good: but a loose and depraved people (which is to the question) love laws and an administration like themselves. That therefore, which makes a good constitution, must keep it, viz: men of wisdom and virtue, qualities that because they descend not with wordly inheritances, must be carefully propagated by a virtuous education of youth, for which after ages will owe more to the care and prudence of founders, and the successive magistracy, than to their parents for their private patrimonies.

These considerations of the weight of government, and the nice and various opinions about it, made it uneasy to me to think of publishing the ensuing frame and conditional laws, foreseeing both the censures they will meet with from men of differing humours and engagements, and the occasion they may give of discourse beyond my design.

But next to the power of necessity (which is a solicitor that will take no denial) this induced me to a compliance, that we have (with reverence to God, and good conscience to men) to the best of our skill, contrived and composed the FRAME and LAWS of this government, to the great end of all government, viz: to support power in reverence with the people, and to secure the people from the abuse of power; that they

may be free by their just obedience, and the magistrates honourable for their just administration: for liberty without obedience is confusion, and obedience without liberty is slavery. To carry this evenness is partly owing to the constitution, and partly to the magistracy; where either of these fail, government will be subject to convulsions; but where both are wanting, it must be totally subverted: then where both meet, the government is like to endure. Which I humbly pray and hope God will please to make the lot of this of Pennsylvania. Amen.

WILLIAM PENN.

THE FRAME.

TO ALL PEOPLE, TO WHOM THESE PRESENTS shall come. WHEREAS king Charles the second, by his letters patent, under the great seal of England; for the consideration there mentioned, hath been graciously pleased to give and grant unto me William Penn (by the name of William Penn, Esq. son and heir of Sir William Penn, deceased) and to my heirs and assigns forever, all that tract of land or province, called Pennsylvania, in America, with divers great powers, preheminences, royalties, jurisdictions, and authorities, necessary for the well-being and government thereof: NOW KNOW YE, that for the well-being and government of the said province, and for the encouragement of all the freemen and planters that may be therein concerned, in pursuance of the powers aforementioned, I the said William Penn have declared, granted, and confirmed, and by these present, for me, my heirs and assigns, do declare, grant and confirm unto all the free-

men, planters and adventurers, of, in and to the said province, these liberties, franchises, and properties, to be held, enjoyed and kept by the freemen, planters and inhabitants of the said province of Pennsylvania for ever.

Imprimis. That the government of this province shall, according to the powers of the patent, consist of the Governor and freemen of the said province, in form of a Provincial Council and General Assembly, by whom all laws shall be made, officers chosen, and publick affairs transacted, as is hereafter respectively declared. That is to say,

Second. That the freemen of the said province shall, on the twentieth day of the twelfth month, which shall be in this present year, one thousand six hundred eighty and two, meet and assemble in some fit place, of which timely notice shall be before hand given, by the governor or his deputy, and then and there shall choose out of themselves seventy-two persons of most note for their wisdom, virtue and ability, who shall meet on the tenth day of the first month next ensuing, and always be called and act as the Provincial Council of the said province.

Third. That at the first choice of such Provincial Council, one third part of the said Provincial Council shall be chosen to serve for three years next ensuing; one-third part for two years then next ensuing, and one-third part for one year then next following such election, and no longer; and that the said third part shall go out accordingly. And on the twentieth day of the twelfth month as aforesaid, yearly for ever afterward, the freemen of the said province shall in like manner meet and assemble together, and then chuse twenty four persons, being one third of the said number, to serve in Provincial Council for three years. It being intended, that one third part of the whole Provincial Council (always consisting and to consist of seventy-

two persons, as aforesaid) falling off yearly, it shall be yearly supplied by such new yearly elections, as aforesaid; and that no one person shall continue therein longer than three years: and in case any member shall decease before the last election during his time, that then at the next election ensuing his decease, another shall be chosen to supply his place for the remaining time he was to have served, and no longer.

Fourth. That after the first seven years, every one of the said third parts that goeth yearly off, shall be incapable of being chosen again for one whole year following: that so all may be fitted for government, and have experience of the care and burden of it.

Fifth. That the Provincial Council in all cases of matters of moment, as their arguing upon bills to be passed into laws, erecting courts of justice, giving judgment upon criminals impeached, and choice of officers, in such manner as is herein after mentioned; not less than two thirds of the whole Provincial Council shall make a quorum; and that the consent and approbation of two thirds of such quorum shall be had in all such cases and matters of moment. And moreover, that in all cases and matters of lesser moment, twenty-four members of the said Provincial Council shall make a quorum, the majority of which twenty four shall and may always determine in such cases and causes of lesser moment.

Sixth. That in this Provincial Council, the governor or his deputy shall or may always preside, and have a treble voice; and the said Provincial Council shall always continue, and sit upon its own adjournments and committees.

Seventh. That the governor and Provincial Council shall prepare and propose to the General Assembly hereafter mentioned, all bills, which they shall at any time think fit to be passed into laws within the said province; which bills shall be published and affixed

to the most noted places in the inhabited parts thereof thirty days before the meeting of the General Assembly, in order to the passing them into laws or rejecting of them, as the General Assembly shall see meet.

Eighth. That the governor and Provincial Council shall take care that all laws, statutes and ordinances, which shall at any time be made within the said province, be duly and diligently executed.

Ninth. That the governor and Provincial Council shall at all times have the care of the peace and safety of the Province, and that nothing be by any person attempted to the subversion of this frame of government.

Tenth. That the governor and Provincial Council shall at all times settle and order the situation of all cities, ports and market towns in every county, modelling therein all public buildings, streets, and market places, and shall appoint all necessary roads and highways in the province.

Eleventh. That the governor and Provincial Council shall at all times have power to inspect the management of the publick treasury, and punish those who shall convert any part thereof to any other use, than what hath been agreed upon by the governor, Provincial Council and General Assembly.

Twelfth. That the governor and Provincial Council shall erect and order all public schools, and encourage and reward the authors of useful sciences and laudable inventions in the said province.

Thirteenth. That for the better management of the powers and trust aforesaid, the Provincial Council shall from time to time divide itself into four distinct and proper committees, for the more easy administration of the affairs of the province, which divides the seventy-two into four eighteens, every one of which eighteens shall consist of six out of each of the three orders or yearly elections, each of which shall have a distinct portion of business, as followeth: first, a committee of

plantations, to situate and settle cities, ports, market-towns and high-ways, and to hear and decide all suits and controversies relating to plantations. Secondly, a committee of justice and safety, to secure the peace of the province, and punish the male-administration of those who subvert justice to the prejudice of the publick or private interest. Thirdly, a committee of trade and treasury, who shall regulate all trade and commerce according to law, encourage manufacture and country growth, and detract the publick charge of the province. And fourthly, a committee of manners, education, and arts, that all wicked and scandalous living may be prevented, and that youth may be successively trained up in virtue and useful knowledge and arts: the quorum of each of which committees being six, that is, two out of each of the three orders or yearly elections as aforesaid, making a constant and standing council of twenty-four, which will have the power of the Provincial Council, being the quorum of it, in all cases not excepted in the fifth article; and in the said committees and standing Council of the province, the governor or his deputy shall or may preside as aforesaid; and in the absence of the governor or his deputy, if no one is by either of them appointed, the said committees or Council, shall appoint a president for that time, and not otherwise; and what shall be resolved at such committees, shall be reported to the said Council of the province, and shall be by them resolved and confirmed before the same shall be put in execution; and that these respective committees shall not sit at one and the same time, except in cases of necessity.

Fourteenth. And to the end that all laws prepared by the governor and provincial Council aforesaid, may yet have the more full concurrence of the freemen of the province, it is declared, granted, and confirmed, that at the time and place or places for the choice of a Provincial Council as aforesaid, the said freemen shall

yearly choose members to serve in General Assembly as their representatives, not exceeding two hundred persons, who shall yearly meet on the twentieth day of the second month, which shall be in the year one thousand six hundred eighty and three following, in the capital, town, or city of the said province, where during eight days the several members may freely confer with one another; and, if any of them see meet, with a committee of the Provincial Council (consisting of Three out of each of the four committees aforesaid, being twelve in all) which shall be at that time purposely appointed to receive from any of them proposals for the alteration or amendment of any of the said proposed and promulgated bills; and on the ninth day from their so meeting, the said General Assembly, after reading over the proposed bills by the clerk of the Provincial Council, and the occasion and motives for them being opened by the governor or his deputy, shall give their affirmative or negative, which to them seemeth best, in such manner as hereinafter is expressed. But not less than two thirds shall make a quorum in the passing of laws, and choice of such officers as are by them to be chosen.

Fifteenth. That the laws so prepared and proposed as aforesaid, that are assented to by the General Assembly, shall be enrolled as laws of the province, with this stile: By the Governor, with the assent and approbation of the freemen in Provincial Council and General Assembly.

Sixteenth. That for the better establishment of the Government and laws of this province, and to the end there may be an universal satisfaction in the laying of the fundamentals thereof; the General Assembly shall or may for the first year consist of all the freemen of and in said province, and ever after it shall be yearly chosen, as aforesaid; which number of two hundred shall be enlarged as the country shall increase in

people, so as it do not exceed five hundred at any time: the appointment and proportioning of which, as also the laying and methodizing of the choice of the Provincial Council and General Assembly in future times, most equally to the divisions of the hundreds and counties, which the country shall hereafter be divided into; shall be in the power of the Provincial Council to propose, and the General Assembly to resolve.

Seventeenth. That the governor and the Provincial Council shall erect, from time to time, standing courts of justice in such places and number as they shall judge convenient for the good government of the said province. And that the Provincial Council shall, on the thirteenth day of the first month yearly, elect and present to the governor or his deputy, a double number of persons to serve for judges, treasurers, master of rolls, within the said province for the year next ensuing; and the freemen of the said province in the county courts, when they shall be erected, and till then in the General Assembly shall, on the three and twentieth day of the second month yearly, elect and present to the governor or his deputy, a double number of persons to serve for sheriffs, justices of the peace, and coroners, for the year next ensuing; out of which respective elections and presentments, the governor or his deputy shall nominate and commissionate the proper number for each office the third day after the said presentments; or else the first named in such presentment for each office, shall stand and serve for that office the year ensuing.

Eighteenth. But forasmuch as the present condition of the province requires some immediate settlement, and admits not of so quick a revolution of officers; and to the end the said province may, with all convenient speed, be well ordered and settled, I, William Penn, do therefore think fit, to nominate and appoint such persons for judges, treasurers, masters of

the rolls, sheriffs, justices of the peace, and coroners, as are most fitly qualified for those employments; to whom I shall make and grant commissions for the said offices respectively, to hold to them to whom the same shall be granted, for so long time as every such person shall well behave himself in the office or place to him respectively granted, and no longer. And upon the decease or displacing of any of the said officers, the succeeding officer or officers shall be chosen as aforesaid.

Nineteenth. That the General Assembly shall continue so long as may be needful to impeach criminals fit to be there impeached; to pass bills into laws, that they shall think fit to pass into laws, and till such time as the governor and Provincial Council shall declare, that they have nothing further to propose unto them for their assent and approbation; and that declaration shall be a dismiss to the General Assembly for that time, which General Assembly shall be notwithstanding capable of assembling together, upon the summons of the Provincial Council, at any time during that year, if the said Provincial Council shall see occasion for their so assembling.

Twentieth. That all the elections of members or representatives of the people, to serve in Provincial Council and General Assembly, and all questions to be determined by both or either of them, that relate to passing of bills into laws, to the choice of officers, to impeachments made by the General Assembly, and judgment of criminals upon such impeachments by the Provincial Council, and to all other cases by them respectively judged of importance, shall be resolved and determined by the ballot; and, unless on sudden and indispensable occasions, no business in Provincial Council, or its respective committees, shall be finally determined the same day that it is moved.

Twenty-first. That at all times, when and so often as it shall happen, that the Governor shall or may be

an infant, under the age of one and twenty years, and no guardians or commissioners are appointed in writing by the father of the said infant, or that such guardians or commissioners shall be deceased; that during such minority, the Provincial Council shall, from time to time, as they shall see meet, constitute and appoint guardians or commissioners, not exceeding three; one of which three shall preside as deputy and chief guardian, during such minority, and shall have and execute, with the consent of the other two, all the power of a governor, in all the public affairs and concerns of the said province.

Twenty-second. That as often as any day of the month, mentioned in any article of this charter, shall fall upon the first day of the week, commonly called the Lord's day, the business appointed for that day, shall be deferred till next day, unless in case of emergency.

Twenty-third. That no act, law or ordinance whatsoever, shall at any time hereafter be made or done, by the governor of this province, his heirs or assigns, or by the freemen in the Provincial Council or the General Assembly, to alter, change or diminish the form or effect of this charter, or any part or clause thereof, without the consent of the governor, his heirs or assigns, and six parts of seven of the said freemen in Provincial Council, and General Assembly.

And lastly. That I the said William Penn, for myself, my heirs, and assigns, have solmenly declared, granted and confirmed, and do hereby solemnly declare, grant and confirm, that neither I, my heirs nor assigns, shall procure or do any thing or things, whereby the liberties in this charter contained and expressed, shall be infringed or broken; and if any thing be procured by any person or persons contrary to these premises, it shall be held of no force or effect. In Witness whereof, I the said William Penn have unto this present charter

of liberties, set my hand and broad seal, this five and twentieth day of the second month, vulgarly called April, in the year of our Lord, one thousand six hundred and eighty-two.

WILLIAM PENN.

THE LAWS AGREED UPON IN ENGLAND.

FIRST. THAT THE CHARTER OF LIBERTIES, declared, granted and confirmed, the five and twentieth day of the second month called April, 1682, before divers witnesses by William Penn, governor and chief proprietary of Pennsylvania, to all the freemen and planters of the said province, is hereby declared and approved, and shall be for ever held for fundamental, in the government thereof, according to the limitations mentioned in the said charter.

Second. That every Inhabitant in the said province, that is or shall be a purchaser of one hundred acres of land or upwards, his heirs and assigns, and every person who shall have paid his passage, and taken up one hundred acres of land, at one penny an acre, and have cultivated ten acres thereof, and every person that hath been a servant or bondsman, and is free by his service, that shall have taken up his fifty acres of land, and cultivated twenty thereof, and every inhabitant, artificer, or other resident in the said province, that pays scot and lot to the government, shall be deemed and accounted a freeman of the said province; and every such person shall and may be capable of electing or being elected representatives of the people in Provincial Council or General Assembly in the said province.

Third. That all elections of members or representatives of the people and freemen of the province of Pennsylvania, to serve in Provincial Council or General Assembly, to be held within the said province, shall be free and voluntary; and that the elector that shall receive any reward or gift, in meat, drink, monies or otherwise, shall forfeit his right to elect; and such person as shall, directly or indirectly, give, promise, or bestow any such reward as aforesaid, to be elected, shall forfeit his election, and be thereby incapable to serve as aforesaid. And the Provincial Council and General Assembly shall be the sole judges of the regularity or irregularity of the elections of their own respective members.

Fourth. That no money or goods shall be raised upon, or paid by any of the people of this province, by way of a publick tax, custom or contribution, but by a law for that purpose made; and whosoever shall levy, collect or pay any money or goods contrary thereunto, shall be held a publick enemy to the province, and a betrayer of the liberties of the people thereof.

Fifth. That all courts shall be open, and justice shall neither be sold, denied or delayed.

Sixth. That in all courts all persons of all persuasions may freely appear in their own way, and according to their own manner, and there personally plead their own cause themselves, or if unable, by their friends. And the first process shall be the exhibition of the complaint in court, fourteen days before the trial; and that the party complained against may be fitted for the same, he or she shall be summoned no less than ten days before, and a copy of the complaint delivered him or her, at his or her dwelling house. But before the complaint of any person be received, he shall solemnly declare in court, that he believes in his conscience his cause is just.

Seventh. That all pleadings, processes, and records

in courts, shall be short, and in english, and in an ordinary and plain character, that they may be understood, and justice speedily administered.

Eighth. That all trials shall be by twelve men, and as near as may be, peers or equals, and of the neighborhood, and men without just exception. In cases of life, there shall be first twenty-four returned by the sheriff for a grand inquest, of whom twelve at least shall find the complaint to be true; and then the twelve men, or peers, to be likewise returned by the sheriff, shall have the final judgment. But reasonable challenges shall be always admitted against the said twelve men or any of them.

Ninth. That all fees in all cases shall be moderate, and settled by the Provincial Council and General Assembly, and be hung up in a table in every respective court; and whosoever shall be convicted of taking more, shall pay two-fold, and be dismissed from his employment, one moiety of which shall go to the party wronged.

Tenth. That all prisons shall be workhouses for felons, vagrants, and loose and idle persons; whereof one shall be in every county.

Eleventh. That all prisoners shall beailable by sufficient sureties, unless for capital offences, where the proof is evident, or the presumption great.

Twelfth. That all persons wrongfully imprisoned or prosecuted at law, shall have double damages against the informer or prosecutor.

Thirteenth. That all prisons shall be free, as to fees, food, and lodging.

Fourteenth. That all lands and goods shall be liable to pay debts, except where there is legal issue, and then all the goods, and one third of the land only.

Fifteenth. That all wills and writing attested by two witnesses, shall be of the same force, as to lands as to other conveyances, being legally proved within forty days, either within or without the said province.

Sixteenth. That seven years quiet possession shall give an unquestionable right, except in cases of infants, lunaticks, married women or persons beyond the seas.

Seventeenth. That all briberies and extortions whatsoever, shall be severely punished.

Eighteenth. That all fines shall be moderate, and saving mens contentements, merchandize or wainage.

Nineteenth. That all marriages (not forbidden by the law of God, as to nearness of blood and affinity by marriage) shall be encouraged; but the parents or guardians shall be first consulted, and the marriage shall be published before it be solemnized, and it shall be solemnized by taking one another as husband and wife, before credible witnesses, and a certificate of the whole, under the hands of parties and witnesses, shall be brought to the proper register of that county, and shall be registered in his office.

Twentieth. And to prevent frauds and vexatious suits within the said province, that all charters, gifts, grants and conveyances of land (except leases for a year or under) and all bills, bonds, and specialties have five pounds, and not under three months, made in the said province, shall be enrolled or registered in the public enrolment office of the said province within the space of two months next after the making thereof, else to be void in law. And all deeds, grants, and conveyances of land (except as aforesaid) within the said province, and made out of the said province, shall be enrolled or registered as aforesaid, within six months next after the making thereof, and settling and constituting an enrolment office or registry within the said province, else to be void in law against all persons whatsoever.

Twenty-first. That all defacers or corruptors of charters, gifts, grants, bonds, bills, wills, contracts and conveyances, or that shall deface or falsify any enrolment, registry or record within this province, shall

make double satisfaction for the same; half whereof shall go to the party wronged, and they shall be dismissed of all places of trust, and be publickly disgraced as false men.

Twenty-second. That there shall be a register for births, marriages, burials, wills and letters of administration, distinct from the other registry.

Twenty-third. That there shall be a register for all servants, where their names, time, wages, and days of payment, shall be registered.

Twenty-fourth. That all lands and goods of felons shall be liable to make satisfaction to the party wronged twice the value; and for want of lands or goods, the felons shall be bond-men to work in the common prison or work-house, or otherwise, till the party injured be satisfied.

Twenty-fifth. That the estate of capital offenders, as traitors and murderers, shall go one third to the next of kin to the sufferer, and the remainder to the next of kin to the criminal.

Twenty-sixth. That all witnesses, coming or called to testify their knowledge in or to any matter or thing in any court, or before any lawful authority within the said province, shall there give or deliver in their evidence or testimony, by solemnly promising to speak the truth, the whole truth, and nothing but the truth, to the matter or thing in question. And in case any person so called to evidence, shall be convicted of wilful falsehood, such person shall suffer and undergo such damage or penalty, as the person or persons against whom he or she bore false witness, did or should undergo; and shall also make satisfaction to the party wronged, and be publicly exposed as a false witness, never to be credited in any court, or before any magistrate, in the said province.

Twenty-seventh. And to the end that all officers chosen to serve within this province, may with more

care and diligence answer the trust reposed in them, it is agreed, that no such person shall enjoy more than one publick office at one time.

Twenty-eighth. That all children within this province of the age of twelve years, shall be taught some useful trade or skill, to the end none may be idle, but the poor may work to live, and the rich, if they become poor, may not want.

Twenty-ninth. That servants be not kept longer than their time, and such as are careful, be both justly and kindly used in their service, and put in fitting equipage at the expiration thereof, according to custom.

Thirtieth. That all scandalous and malicious reporters, backbiters, defamers and spreaders of false news, whether against magistrates or private persons, shall be accordingly severely punished, as enemies to the peace and concord of this province.

Thirty-first. That for the encouragement of the planters and trades in this province, who are incorporated into a society, the patent granted to them by William Penn, Governor of the said province, is hereby ratified and confirmed.

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| Thirty-second. | * | * | * | * | * |
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Thirty-third. That all factors or correspondents in the said province wronging their employers, shall make satisfaction, and one third over, to their said employers: and in case of the death of any such factor or correspondent, the committee of trade shall take care to secure so much of the deceased party's estate, as belongs to his said respective employers.

Thirty-fourth. That all treasurers, judges, masters of the rolls, sheriffs, justices of the peace, and other officers and persons whatsoever, relating to courts or trials of causes, or any other service in the government: and all members elected to serve in Provincial Council

and General Assembly, and all that have right to elect such members, shall be such as profess faith in Jesus Christ, and that are not convicted of ill fame, or unsober and dishonest conversation, and that are of one and twenty years of age at least; and that all such so qualified, shall be capable of the said several employments and privileges as aforesaid.

Thirty-fifth. That all persons living in this province, who confess and acknowledge the one almighty and eternal God, to be the creator, upholder and ruler of the world, and that hold themselves obliged in conscience to live peaceably and justly in civil society, shall in no ways be molested or prejudiced for their religious persuasion or practice in matters of faith and worship, nor shall they be compelled at any time to frequent or maintain any religious worship, place or ministry whatever.

Thirty-sixth. That according to the good example of the primitive christians, and for the ease of the creation, every first day of the week, called the Lord's day, people shall abstain from their common daily labour, that they may the better dispose themselves to worship God according to their understandings.

Thirty-seventh. That as careless and corrupt administration of justice draws the wrath of God upon magistrates, so the wildness and looseness of the people provoke the indignation of God against a country; therefore, that all such offences against God, as swearing, cursing, lying, profane talking, drunkenness, drinking of healths, obscene words, incest, sodomy, rapes, whoredom, fornication, and other uncleanness (not to be repeated.) All treasons, misprisons, murders, duels, felonies, seditions, maims, forcible entries, and other violences, to the persons and estates of the inhabitants within this province: all prizes, stage plays, cards, dice, may-games, masques, revels, bull-baitings, cock-fightings, bear-baitings and the like, which excite the people

to rudeness, cruelty, looseness and irreligion, shall be respectively discouraged, and severely punished, according to the appointment of the governor and freemen in Provincial Council and General Assembly, as also all proceedings contrary to these laws, that are not here made expressly penal.

Thirty-eight. That a copy of these laws shall be hung up in the Provincial Council, and in public courts of justice, and that they shall be read yearly, at the opening of every Provincial Council and General Assembly, and courts of justice, and their assent shall be testified by their standing up, after the reading thereof.

Thirty-ninth. That there shall be at no time any alteration of any of these laws, without the consent of the governor, his heirs or assigns, and six parts of seven of the freemen, met in Provincial Council and General Assembly.

Fortieth. That all other matters and things not herein provided for, which shall and may concern the public justice, peace or safety of the said province; and the raising and imposing taxes, customs, duties, or other charges whatsoever, shall be, and are hereby referred to the order prudence and determination of the governor and freemen in Provincial Council and General Assembly, to be held from time to time in the said province.

Signed and sealed by the Governor and freemen aforesaid, the fifth day of the third month, called May, one thousand six hundred and eighty-two.

III. The Frame of the Government.

Of the Province of Pennsylvania and Territories thereunto annexed in America, 1683.

TO ALL PERSONS TO WHOM THESE PRESENTS may come: Whereas, king Charles the Second, by his letters patents, under the great seal of England, bearing date the fourth day of March, in the thirty and third year of the king, for divers considerations therein mentioned, hath been graciously pleased to give and grant unto me, William Penn, (by the name of William Penn, Esquire, son and heir of Sir William Penn, deceased,) and to my heirs and assigns for ever, all that tract of land or province called Pennsylvania, in America, with divers great powers, preheminencies, royalties, jurisdictions and authorities necessary for the well being and government thereof. And whereas, the kings dearest brother James, duke of York, and Albany, &c., by his deeds of feoffment under his hand and seal, duly perfected, bearing date the four and twentieth day of August, one thousand six hundred eighty and two, did grant unto me, my heirs and assigns, all that tract of land lying and being from twelve miles northward of Newcastle, upon Delaware river in America, to Cape Hinlopen upon the said river and bay of Delaware southward, together with all royalties, franchises, duties, jurisdictions, liberties and privileges thereunto belonging.

NOW KNOW YE, That for the well being and good government of the said Province and territories thereunto annexed, and for the encouragement of all the free-men and planters that may be therein concerned in pursuance of the rights and powers aforementioned, I the said William Penn, have declared, granted and con-

firmed, and by these presents for me, my heirs and assigns, do declare, grant and confirm unto all the freemen, planters and adventurers, of, in and to the said province and territories thereof, these liberties, franchises and properties, so far as in me lieth, to be held, enjoyed and kept by the freemen, planters and adventurers of, and in the said Province of Pennsylvania and territories thereunto annexed forever.

Imprimis. That the government of this province and territories thereof, shall from time to time, according to the powers of the patent and deeds of feoffment aforesaid, consist of the Proprietary and Governor and freemen of the said Province and territories thereof, in form of provincial Council and General Assembly, which provincial Council shall consist of eighteen persons, being three out of each county, and which Assembly shall consist of thirty-six persons, being six out of each county, men of most note for their virtue, wisdom and ability, by whom all laws shall be made, officers chosen and public affairs transacted, as is hereafter limited and declared.

Second. There being three persons already chosen for every respective county of this province and territories thereof, to serve in the provincial Council, one of them for three years; one for two years, and one for one year; and one of them to go off yearly in every county; that on the tenth day of the first month yearly for ever after, the freemen of the said province and territories thereof, shall meet together in the most convenient place in every county of this province and territories thereof, then and there to choose one person qualified as aforesaid in every county, being one-third of the number to serve in provincial Council for three years; it being intended that one-third of the whole provincial Council, consisting and to consist of eighteen persons, falling off yearly, it shall be yearly supplied with such yearly elections as aforesaid; and that one person shall

not continue in longer than three years; and in case any member shall decease before the last election during his time, that then at the next election ensuing his decease, another shall be chosen to supply his place for the remaining time he was to have served, and no longer.

Third. That after the first seven years every one of the said third parts that goeth yearly off, shall be incapable of being chosen again for one whole year following; that so all that are capable and qualified as aforesaid, may be fitted for government and have a share of the care and burden of it.

Fourth. That the provincial Council in all cases and matters of moment, as their arguing upon bills to be passed into laws, or proceedings about erecting of courts of justice, sitting in judgment upon criminals impeached, and choice of officers in such manner as is hereinafter expressed, not less than two-thirds of the whole shall make a quorum, and that the consent and approbation of two-thirds of that quorum shall be had in all such cases or matters of moment: and that in all cases and matters of lesser moment, one-third of the whole shall make a quorum the majority of which shall and may always determine in such cases and causes of lesser moment.

Fifth. That the Governor and provincial Council shall have the power of preparing and proposing to the Assembly hereafter mentioned, all bills which they shall see needful, and that shall at any time be past into laws, within the said province and territories thereof, which bills shall be published and affixed to the most noted place, in every county of this province and territories thereof, twenty days before the meeting of the Assembly in order to passing them into laws.

Sixth. That the Governor and provincial Council shall take care that all laws, statutes and ordinances, which shall at any time be made within the said province and territories be duly and diligently executed.

Seventh. That the Governor and provincial Council shall at all times have the care of the peace and safety of this province and territories thereof; and that nothing be by any person attempted to the subversion of this frame of government.

Eighth. That the Governor and provincial Council shall at all times settle and order the situation of all cities and market towns in every county, modelling therein all public buildings, streets and market places; and shall appoint all necessary roads and highways in this province and territories thereof.

Ninth. That the Governor and provincial Council shall at all times have power to inspect the management of the public treasury, and punish those who shall convert any part thereof to any other use than what hath been agreed upon by the Governor, provincial Council and Assembly.

Tenth. That the Governor and provincial Council shall direct and order all public schools, and encourage and reward the authors of useful sciences and laudable inventions in the said province and territories thereof.

Eleventh. That one-third part of the provincial Council residing with the Governor from time to time, shall with the Governor have the care of the management of public affairs relating to the peace, justice, treasuring and improvement of the province and territories and to the good education of youth, and sobriety of the manners of the inhabitants therein as aforesaid.

Twelfth. That the Governor or his Deputy shall always preside in the provincial Council, and that he shall at no time therein perform any public act of state, whatsoever, that shall or may relate unto the justice, trade, treasury or safety of the province and territories aforesaid, but by and with the advice and consent of the provincial Council thereof.

Thirteenth. And to the end, that all bills prepared and agreed by the Governor and provincial Council as

aforesaid, may yet have the more full concurrence of the freemen of the province and territories thereof, it is declared, granted and confirmed, that at the time and place in every county for the choice of one person, to serve in provincial Council as aforesaid, the respective Members thereof, at their said meeting, shall yearly choose out of themselves six persons of most note for virtue, wisdom and ability, to serve in Assembly as their representatives, who shall yearly meet on the tenth day of the third month, in the capital town or city of the said Province, unless the Governor and provincial Council shall think fit to appoint another place to meet in, where during eight days, the several members may confer freely with one another; and if any of them see meet, with a committee of the provincial Council, which shall be at that time purposely appointed, to receive from any of them proposals for the alterations or amendments of any of the said proposed and promulgated bills, and on the ninth day from their so meeting, the said Assembly after their reading over the proposed bills, by the Clerk of the provincial Council, and the occasions and motives for them being opened by the Governor or his Deputy, shall upon the question by him put, give their affirmative or negative, which to them seemeth best in such manner as is hereafter expressed: but not less than two-thirds shall make a quorum in the passing of all bills into laws, and choice of such officers as are by them to be chosen.

Fourteenth. That the laws so prepared and proposed as aforesaid, that are assented to by the Assembly shall be enrolled as laws of this province and territories thereof, with this stile: By the Governor with the assent and approbation of the freemen in provincial Council and Assembly met, and from henceforth the meetings, sessions, acts and proceedings of the Governor, provincial Council and Assembly, shall be stiled and called: The meetings, sessions and proceedings of

the General Assembly of the Province of Pennsylvania, and the territories thereunto belonging.

Fifteenth. And that the representatives of the people in provincial Council and Assembly, may in after ages bear some proportion with the increase and multiplying of the people, the number of such representatives of the people, may be from time increased and enlarged, so as at no time the number exceed seventy-two for the provincial Council, and two hundred for the Assembly; the appointment and proportion of which number, as also the laying and methodizing of the choice of such representatives in future time, most equally to the division of the country, or number of the inhabitants is left to the Governor and provincial Council to propose, and the Assembly to resolve, so that the order of proportion be strictly observed, both in the choice of the Council and the respective committees thereof, viz: one-third to go off, and come in yearly.

Sixteenth. That from and after the death of this present Governor, the provincial Council shall, together with the succeeding Governor, erect from time standing courts of justice, in such places and number as they shall judge convenient, for the good government of the said province and territories thereof; and that the provincial Council shall, on the thirteenth day of the second month then next ensuing, elect and present to the Governor or his deputy, a double number of persons to serve for judges, treasurers, and master of the rolls, within the said province and territories, to continue so long as they shall well behave themselves in those capacities respectively; and the freemen of the said province in an Assembly met, on the thirteenth day of the third month, yearly shall elect and then present to the Governor or his deputy a double number of persons to serve for sheriffs, justices of the peace and coroners for the year next ensuing, out of which respective elec-

tions and presentments the Governor or his deputy shall nominate and commissionate the proper number for each office, the third day after the said respective presentments, or else the first named in such presentment, for each office as aforesaid shall stand and serve in that office the time before respectively limited, and in case of death or default, such vacancy shall be supplied by the Governor and provincial Council in manner aforesaid.

Seventeenth. That the Assembly shall continue so long as may be needful to impeach criminals, fit to be there impeached, to pass such bills into laws as are proposed to them, which they shall think fit to pass into laws, and till such time as the Governor and provincial Council shall declare, that they have nothing further to propose unto them for their assent and approbation, and that declaration shall be a dismiss to the Assembly for that time, which Assembly shall be notwithstanding, capable of assembling together upon the summons of the Governor, and provincial Council, at any time during that year, if the Governor and provincial Council shall see occasion for their so assembling.

Eighteenth. That all the elections of members of representatives of the people, to serve in provincial Council and Assembly, and all questions to be determined by both or either of them, that relate to choice of officers, and all, or any other personal matters, shall be resolved or determined by the ballot, and all things relating to the preparing and passing of bills into laws, shall be openly declared and resolved by the vote.

Nineteenth. That at all times when the proprietary and Governor shall happen to be an infant and under the age of one and twenty years, and no guardians or commissioners are appointed in writing, by the father of the said infant, or that such guardian shall be deceased, that during such minority, the provincial Council shall from time to time, as they shall see meet, con-

stitute and appoint guardians and commissioners not exceeding three; one of which shall preside as deputy and chief guardian during such minority, and shall have and execute with the consent of one of the other two, all the power of a Governor in all public affairs and concerns of the said province and territories thereof, according to charter, which said guardian so appointed, shall also have the care and oversight of the estate of the said minor and be yearly accountable and responsible for the same to the provincial Council, and the provincial Council to the minor when of age, or to the next heir, in case of the minor's death, for the trust before expressed.

Twentieth. That as often as any days of the month mentioned in any article of this charter shall fall upon the first day of the week, commonly called the Lord's day, the business appointed for that day shall be deferred until the next day, unless in case of emergency.

Twenty-first. And for the satisfaction and encouragement of all aliens, I do give and grant, that if any alien who is or shall be a purchaser, or who doth or shall inhabit in this province or territories thereof, shall decease at any time before he can well be naturalized, his right and interest therein shall notwithstanding descend to his wife and children, or other his relations be he testate or intestate, according to the laws of this province and territories thereof in such cases provided, in as free and ample manner to all intents and purposes as if the said alien had been naturalized.

Twenty-second. And that the inhabitants of this province and territories thereof, may be accommodated with such food and sustenance as God in his providence hath freely afforded. I do also further grant to the inhabitants of this province and territories thereof, liberty to fowl and hunt upon the lands they hold, and all other lands therein not inclosed; and to fish in all waters in the said lands, and in all rivers and rivulets,

in and belonging to this province and territories thereof, with liberty to draw his or their fish on shore on any man's lands, so as it be not to the detriment or annoyance of the owner thereof, except such lands as do lie upon inland rivulets that not boatable, on which are or may be hereafter erected into manors.

Twenty-third. And that all the inhabitants of this province and territories thereof, whether purchasers or others, may have the last worldly pledge of good and kind intentions to them and theirs, I do give, grant and confirm to all and every one of them, full and quiet possession of their respective lands, to which they have any lawful or equitable claim, saving only such rents and services for the same, as are or customarily ought to be reserved to me, my heirs or assigns.

Twenty-fourth. That no act, law or ordinance whatsoever, shall at any time hereafter be made or done by the proprietary and Governor of this province and territories thereunto belonging, his heirs or assigns, or by the freemen in Provincial Council or Assembly, to alter, change or diminish the form or effect of this charter, or any part or clause thereof, contrary to the true intent and meaning thereof, without the consent of the proprietary and Governor, his heirs or assigns, and six parts of seven of the said freemen in provincial Council and Assembly met.

And lastly. I, the said William Penn, proprietary and Governor of the province of Pennsylvania and territories thereunto belonging, for me, my heirs and assigns, have solemnly declared, granted and confirmed, and do hereby solemnly declare, grant and confirm, that neither I, my heirs nor assigns, shall procure or do anything or things whereby the liberties in this Charter contained and expressed, shall be infringed or broken, and if any thing be procured by any person or persons, contrary to these premises, it shall be held of no force or effect. In witness whereof, I, the said Wil-

liam Penn, at Philadelphia, in Pennsylvania, have unto this present charter of liberties, set my hand and broad seal, this second day of the second month, in the year of our Lord one thousand six hundred eighty and three, being the five and thirtieth year of the king and the third year of my government.

WILLIAM PENN.

This within charter, which we have distinctly heard read, and thankfully received, shall be by us inviolably kept, at Philadelphia, the second day of the second month, one thousand, six hundred eighty and three.

The members of the Provincial Council present:

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|---------------------|---------------------------|
| William Markham, | William Clark, |
| John Moll, | William Biles, |
| William Haige, | James Harrison, |
| Christopher Taylor, | John Richardson, |
| John Simecock, | Philip Thomas Lenmar, |
| William Clayton, | Secr. Gov. |
| Francis Whitwell, | Richard Ingelo, Cl. Coun. |
| Thomas Holme, | |

The members of the Assembly present:

| | |
|--------------------------|-----------------------|
| Casparus Harman, | Daniel Brown, |
| John Darby, | William Fitcher, |
| Benjamin Williams, | John Kipshaven, |
| William Guest, | Alexander Molestine, |
| Valentine Hollingsworth, | Robert Bracy, senior, |
| James Boyden, | Thomas Bracy, |
| Bennony Bishop, | William Yardly, |
| John Beazor, | John Hastings, |
| John Harding, | Robert Wade, |
| Andrews Bringston, | Thomas Hassald, |
| Simon Irons, | John Hart, |
| John Wood, | Robert Hall, |
| John Curtis, | Robert Bedwell, |

| | |
|--------------------|---------------------|
| Williams Simsmore, | John Clows, |
| Samuel Darke, | Luke Watson, |
| Robert Lucas, | Joseph Phipps, |
| James Williams, | Dennis Rotchford, |
| John Blunston, | John Brinklair, |
| John Songhurst, | Henry Bowman, |
| John Hill, | Cornelius Verhoofe, |
| Nicholas Waln, | John Southworth, |
| Thomas Fitzwater, | Cl. Synod |

Some of the inhabitants of Philadelphia present:

| | |
|-----------------|---------------|
| William Howell, | Henry Lewis, |
| Edmund Warner, | Samuel Miles. |

IV. The Frame of the Government.

Of the Province of Pennsylvania and the territories thereunto belonging, passed by Governor Markham, November 7, 1696.

WHEREAS, THE LATE KING CHARLES THE Second, in the three and thirtieth year of his reign, by letters patent under the great seal of England, did for the considerations therein mentioned, grant unto William Penn, his heirs assigns for ever, this colony, or tract of land and assigns for ever, this colony, or tract of land, thereby erecting the same into a province called Pennsylvania, and constituting him the said William Penn. absolute proprietary thereof, vesting him, his deputies and lieutenants, with divers great powers, pre-eminencies, royalties, jurisdictions and authorities, necessary for the well-being and good government of the said province. And where, the late Duke of York and

Albany, &c., for valuable considerations, did grant unto the said William Penn, his heirs and assigns, all that tract of land, which hath been cast or divided into three counties, now called Newcastle, Kent and Sussex, together with all royalties, franchises, duties, jurisdictions, liberties and privileges thereunto belonging; which last mentioned tract being intended as a beneficial and requisite addition to the territory of the said proprietary and Governor, at the request of the freemen of the said three counties, by their deputies in Assembly mett, with the representatives of the freemen of the said province at Chester, alias Upland, on the sixth day of the tenth month, 1682, did (with the advice and consent of the members of the said Assembly) enact, that the said three counties should be annexed to the province of Pennsylvania, as the proper territories thereof: and whereas, king William and the late Queen Mary, over England, &c., by their letters patent and commission under the great seal of England, dated the twenty-first day of October, in the fourth year of their reign, having (for the reasons therein mentioned) taken the government of this said province and territories into their hands, and under their care and protection, did think fit to constitute Benjamin Fletcher, Governor of New York, to be their Captain General and Governor in Chief over this province and country. And whereas, also the said king and queen, afterwards by their letters patent, under the great seal of England, dated the twentieth day of August, in the sixth year of their reign, have thought fit upon the humble application of the said William Penn, to restore them to the administration of the government of the said province and territories, and that so much of their said commission, as did constitute the said Benjamin Fletcher, their Captain General and Governor in Chief of the said province of Pennsylvania, country of Newcastle, and the territories and tracts of land depending thereupon, in

America, together with all the powers and authorities thereby granted, for the ruling and governing their said province and country, should from the publication of the said last recited letters patent cease, determine, and become void, accordingly the same are hereby declared void; whereupon, the said William Penn, did commissionate his kinsman William Markham, Governor under him, with directions to act according to the **known laws and usages of this government.**

Now, forasmuch as the former frame of government, modelled by act of settlement and charter of liberties, is not deemed in all respects suitably accommodated to our present circumstances; therefore it is unanimously desired, that it may be enacted, And be it enacted by the Governor aforesaid, with the advice and consent of the representatives of the freemen of the said province and territories in Assembly met, and by the authority of the same, that this government shall, from time to time, consist of the Governor or his deputy or deputies, and the freemen of the said province and territories thereof, in form of a Council and Assembly; which Council and Assembly shall be men of most note for virtue, wisdom and ability; and shall from and after the tenth day of the first month next, consist of two persons out of each of the counties of this government, to serve as the people's representatives in Council; and of four persons out of each of the said counties, to serve as their representatives in Assembly; for the electing of which representatives, it shall and may be lawful to, and for all the freemen of this province and territories aforesaid, to meet together on the tenth day of the first month yearly hereafter, in the most convenient and usual place for election, within the respective counties, then and there to choose their said representatives as aforesaid, who shall meet on the tenth day of the third month, yearly, in the capital town of the said province, unless the Governor and Council shall think fit to appoint another place.

And to the end, it may be known who those are in this province and territories, who ought to have right of or to be deemed freemen, to choose or be chosen to serve in Council and Assembly as aforesaid; Be it enacted by the authority aforesaid, That no inhabitant of this province or territories, shall have right of electing or being elected as aforesaid, unless they be free denizens of this government, and are of the age of twenty-one years or upwards, and have fifty acres of land, ten acres whereof being seated and cleared, or be otherwise worth fifty pounds lawful money, of this government clear estate, and have been resident within this government for the space of two years next before such election.

And whereas, divers persons within this government, cannot for conscience sake, take an oath upon any account whatsoever; Be it therefore enacted, by the authority aforesaid, That all and every such person and persons, being at any time hereafter required upon any lawful occasion to give evidence, or take an oath, in any case whatsoever, shall, instead of swearing, be permitted to make his or their solemn affirmation, attest or declaration, which shall be adjudged, and is hereby enacted and declared to be of the same force and effect to all intents and purposes whatsoever, as if they had taken an oath, and in case any such person or persons shall be lawfully convicted of having wilfully and corruptly affirmed or declared, any matter or thing, upon such solemn affirmation or attest, shall incur the same penalties and forfeiture, as by the laws and statutes of England are provided against persons convicted of wilful and corrupt perjury.

And be it further enacted by the authority aforesaid, That all persons who shall be hereafter, either elected to serve in Council and Assembly, or commissioned or appointed to be Judges, Justices, Master of the Rolls, Sheriffs, Coroners, and all other officers of state and trust, within this government, who shall conscien-

tiously scruple to take an oath, but when lawfully required, will make and subscribe the declaration and profession of their Christian belief, according to the late act of parliament, made in the first year of King William, and the late Queen Mary, entitled An act for exempting their majesties Protestant subjects, dissenting from the Church of England, from the penalty of certain laws, shall be adjudged, and are hereby declared to be qualified to act in their said respective offices and places, and thereupon, the several officers herein mentioned, shall instead of an oath, make their solemn affirmation or declaration, in manner and form following, that is to say:

The form of Judges and Justices, attest shall be in these words, viz:

Thou shalt solemnly promise that as Judge, or Justice, according to the Governor's commission to thee directed, thou shalt do equal right to the poor and rich, to the best of thy knowledge and power, according to law, and after the usages and constitutions of this government, thou shalt not be of council of any matter or cause depending before thee, but shall well and truly do thy office in every respect, according to the best of thy understanding.

The form of the attests to be taken by the Master of the Rolls, Secretaries, Clerks, and such like officers, shall be thus, viz:

Thou shalt well and faithfully execute the office of, &c., according to the best of thy skill and knowledge; taking such fees only, as thou oughtest to receive by the laws of this government.

The form of the Sheriffs and Coroners attest, shall be in these words, viz:

Thou shalt solemnly promise, that thou wilt well and truly serve the King and Governor, in the office of the Sheriff, (or Coroner) of the county of, &c., and preserve the King and Governor's rights, as far forth as thou

canst, or mayest; thou shalt truly serve and return all the writs and precepts to the directed; thou shalt take no bailiff nor deputy, but such as thou wilt answer for; thou shalt receive no writs, except from such Judges and Justices who by the Laws of this government, have authority to issue and direct writs unto thee; and thou shalt diligently and truly do and accomplish all things appertaining to thy office, after the best of thy wit and power, both for the King and Governor's profit, and good of the inhabitants within the said county, taking such fees only as thou oughtest to take by the laws of this government and not otherwise.

The form of a Constable's attest shall be this, viz:

Thou shalt solemnly promise well and duly, according to the best of thy understanding, to execute the office of a Constable for the town (or county) of P., for this ensuing year, or until another be attested in thy room, or thou shalt be legally discharged thereof.

The form of the Grand Inquests shall be in these words, viz:

Thou shalt diligently enquire, and true presentment make of all such matters and things as shall be given thee in charge, or come to thy knowledge, touching this present service, the King's counsel, thy fellows and thy own, thou shalt keep secret, and in all things thou shalt present the truth, and nothing but the truth, to the best of thy knowledge.

This being given to the Foreman, the rest of the Inquest shall be attested thus, by three at a time, viz:

The same attestation that your foreman hath taken on his part, you will well and truly keep on your parts.

The form of the attest to be given to the Traverse Jury, by four at a time, shall be thus, viz:

You solemnly promise that you will well and truly try the issue of traverse, between the Lord, the King, and A. B., whom you have in charge, according to your evidence.

In civil causes, thus, viz:

You solemnly promise that you will well and truly try the issue between A. B. plaintiff, and C. D. defendant, according to your evidence.

Provided always, and it is hereby intended, that no person shall be by this act excused from swearing, who by the acts of parliament for trade and navigation, are or shall be required to take an oath.

And that elections may not be corruptly managed, on which the good of the government so much depends; Be it further enacted, by the authority aforesaid, That all elections of the said representatives shall be free and voluntary, and that the electors who shall receive any reward or gift for giving his vote, shall forfeit his right to elect for that year; and such person or persons, as shall give or promise any such reward to be elected, or that shall offer to serve for nothing, or for less wages than the law prescribes, shall be thereby rendered incapable to serve in Council or Assembly for that year; and the representatives so chosen, either for Council or Assembly, shall yield their attendance accordingly, and be the sole judges of the regularity or irregularity of the elections of the respective members; and if any person or persons, chosen to serve in Council or Assembly, shall be wilfully absent from the service, he or they are so chosen to attend, or be deceased, or rendered incapable then, and in all such cases, it shall be lawful for the Governor within ten days after knowledge of the same, to issue forth a writ to the Sheriff of the county, for which the said person or persons, were chosen, immediately to summons the freemen of the same to elect another member in the room of such absent, deceased, or incapable person or persons; and in case any Sheriff shall misbehave himself in the management of any of the said elections, he shall be punished accordingly, at the discretion of the Governor and Council, for the time being.

Be it further enacted by the authority aforesaid, That every member now chosen, or hereafter to be chosen, by the freemen as aforesaid, to serve in Council, and the Speaker of the Assembly, shall be allowed five shillings by the day during his or their attendance; and every member of Assembly shall be allowed four shillings by the day, during his attendance on the service of the Assembly; and that every Member of Council and Assembly shall be allowed towards their travelling charges, after the rate of two pence each mile, both going to and coming from the place where the Council and Assembly is, or shall be held; all which sums shall be paid yearly out of the county levies, by the county receivers respectively.

And be it further enacted by the authority aforesaid, That the Governor or his Deputy shall always preside in the Council, and that he shall at no time perform any public act of state whatsoever, that shall or may relate unto the justice, treasury or trade of the province and territories, but by and with the advice and consent of the Council thereof, or major part of them that shall be present.

And be it further enacted, by the authority aforesaid, That all the Sheriffs and Clerks of the respective counties of the said province and territories, who are, or shall be commissioned, shall give good and sufficient security to the Governor, for answering the King and his people, in matters relating to the said offices respectively.

And be it further enacted, by the authority aforesaid, That the Council in all cases and matters of moment, as about erecting courts of justice, sitting in judgment upon persons impeached, and upon bills and other matters, that may be from time to time presented by the Assembly; not less than two-thirds shall make a quorum, and that the consent and approbation of the majority of that quorum, shall be had in all such cases

and matters of moment, and that in cases of less moment, not less than one-third of the whole shall make a quorum; the majority of which shall and may always determine in all such matters of lesser moment, as are not above specified; and in case the Governor's power shall hereafter happen to be in the Council, a President shall then be chosen out of themselves, by two-thirds or the major part of them, which President shall therein preside.

Be it further enacted, by the authority aforesaid, That the Governor and Council shall take care that all the laws, statutes and ordinances, which shall at any time be made within the said province and territories, be duly and diligently executed.

Be it further enacted, by the authority aforesaid, That the Governor and Council shall at all times have the care of the peace of this province and territories thereof, and that nothing be by any persons attempted to the subversion of this frame of government.

And be it further enacted by the authority aforesaid, That the Governor and Council, for the time being shall at all times settle and order the situation of all cities and market towns, modelling therein all public buildings, streets and market places; and shall appoint all public landing places of the towns of this province and territories; and if any man's property shall be judged by the Governor and Council, to be commodious for such landing place in the said towns, and that the same be by them appointed as such, that the owner shall have such reasonable satisfaction given for the same, as the Governor and Council shall see meet, to be paid by the said respective towns.

Be it further enacted, by the authority aforesaid, That the Governor and Council shall at all times have power to inspect the management of the public treasury, and punish those who shall convert any part thereof to any other use than what hath been agreed upon by the Governor, Council and Assembly.

Be it further enacted, by the authority aforesaid, That the Governor and Council shall erect, and order all public houses, and encourage and reward the authors of useful sciences and laudable inventions in the said province and territories thereof.

And be it further enacted, by the authority aforesaid, That the Governor and Council shall from time to time have the care of the management of all public affairs, relating to the peace, safety, justice, treasury, trade and improvement of the province and territories, and to the good education of youth, and sobriety of the manners of the inhabitants therein, as aforesaid.

And be it further enacted by the authority aforesaid, That the representatives of the freemen, when met in Assembly, shall have power to prepare and propose to the Governor and Council, all such bills as they or the major part of them shall at any time see needful to be passed into laws, within the said province and territories.

Provided always that nothing herein contained shall debar the Governor and Council from recommending to the Assembly, all such bills as they shall think fit to be passed into laws; and that the Council and Assembly may, upon occasion, confer together in committees when desired; all which proposed and prepared bills, or such of them as the Governor with the advice of the Council shall in open Assembly declare his assent unto, shall be the laws of this province and territories thereof, and published accordingly with this stile: By the Governor, with the assent and Approbation of the freemen in General Assembly met; a true transcript or duplicate whereof shall be transmitted to the kings privy council for the time being, according to the said late kings letters patent.

And be it further enacted, by the authority aforesaid, That the Assembly shall sit upon their own adjournments, and committees, and continue in order to pre-

pare and propose bills, redress grievances, and impeach criminals, or such persons as they shall think fit to be there impeached, until the Governor and Council for the time being shall dismiss them; which Assembly shall notwithstanding such dismiss, be capable of assembling together upon the summons of the Governor and Council, at any time during that year; two thirds of which Assembly, in all cases, shall make a quorum.

And be it enacted, by the authority aforesaid, That all elections of representatives, for Council and Assembly, and all question to be determined by them, shall be by the major part of votes.

Be it further enacted, by the authority aforesaid, That as oft as any days of the month mentioned in any article of this act, shall fall upon the first day of the week, commonly called the Lords day, the business appointed for that day, shall be deferred till the next day, unless in cases of emergency.

Be it further enacted, by the authority aforesaid, That if any alien, who is or shall be a purchaser of lands, or who doth, or shall inhabit in this province, or territories thereof, shall decease at any time before he can well be denizised, his right and interest therein shall, notwithstanding, descend to his wife and children, or other his relations, be he testate or intestate, according to the laws of this province and territories thereof, in such cases provided, in as free and ample manner, to all intents and purposes, as if the said alien had been denizised.

And that the people may be accommodated with such food and sustenance, as God in his providence hath freely afforded; Be it enacted, by the authority aforesaid, That the inhabitants of this province and territories thereof, shall have liberty to fish and hunt upon the lands they hold, or all other lands therein, not enclosed, and to fish in all waters in the said lands, and in all rivers and rivulets, in and belonging to this province

and territories thereof, with liberty to draw his or their fish upon any mans land, so as it be not to the detriment or annoyance of the owner thereof, except such lands as do lie upon inland rivulets, that are not boat-able, or which hereafter may be erected into manors.

Be it further enacted, by the authority aforesaid, That all inhabitants of this province and territories, whether purchasers or others, and every one of them shall have full and quiet enjoyment of their respective lands and tenements, to which they have any lawful or equitable claim, saving only such rents and services for the same, as are or customarily ought to be reserved to the lord or lords of the fee thereof respectively.

Be it further enacted, by the authority aforesaid, That no act, law, or ordinance whatsoever, shall at any time hereafter, be made or done by the Governor of this province and territories thereunto belonging, or by the freemen in Council or Assembly, to alter, change or diminish the form and effect of this act, or any part or clause thereof, contrary to the true intent and meaning thereof, without the consent of the Governor, for the time being; and six parts of seven of the said freemen in Council and Assembly met. This act to continue and be in force, until the said Proprietary shall signify his pleasure to the contrary, by some instrument under his hand and seal in that behalf.

Provided always, and it is hereby enacted, That neither this act, nor any other act or acts whatsoever, shall preclude or debar the inhabitants of this province and territories, from claiming, having and enjoying, any of the rights, privileges and immunities, which the said Proprietary for himself, his heirs and assigns, did formerly grant, or which of right belong unto them the said inhabitants by virtue of any law, charter or grants whatsoever, any thing therein contained to the contrary notwithstanding.

WILLIAM MARKHAM.
Lieutenant Governor.
1681-1682.
1691-1699.



Chapter II.

WILLIAM MARKHAM.

Lieutenant Governor,
1681-1682, 1691-1699.

THE FIRST GOVERNOR OF PENNSYLVANIA was a kinsman of the proprietor and commissioned by him as Lieutenant Governor, with instructions to assume command of the newly acquired territory in the name of Penn. Markham dealt little with the pen, and but few papers remain with his signature, of which the greater part relate to his later administration.

He governed the province as the representative of the proprietor from 1681 until the arrival of William Penn in 1682. He was Deputy Governor of the Territories from March 1691 until April 1693. He was Lieutenant Governor of the province under Benjamin Fletcher during the interval of control by the Crown from April 1693 to March 1695, and, under the proprietor from that time until November 1699.

Inaugural Remarks and Commissions.

26th March, 1695.

GENTL. I AM GLAD OF THIS OPPORTUNITY to acquaint you that I have Latelie received their Maties Letters patents by which they have been graciously pleased to restore the proprietor to the government of this province of pennsylvania & territories, and that the proprietor has been pleased to send mee a Comision to be Governor thereof under him, both which Lye before you for yor perusall, and which I intend to Cause publish forthwith; But before I doe, or that I enter upon the government, or that you are dismiss from being their Maties Councill, I judge it Requisitt to take those oaths that Governors are by Law obliged to take, before you, that you may be witnesses thereof; And I desire the secerie to administer the same unto mee.

* * * * *

The Leiut Governor then said: Gentl. I thank you for the true allegiance and Loyaltie I have observed in you all to their Maties, or Sovereign Lord & Lady, Wm. & Mary, which you have shoven by yor readiness and willingness to their Service upon all occasions. I also thank you for all yor kindnesses to mee whilst Leiut Governor, for all which you shall alwayes find mee readie to serve you wherein I may. Pray gentl, As it is all or duties, Soe let us hereby jointlie give or heartie thanks to his Excellly Governor fletcher, for his care of ye province, and for his affections to the proprietor and us, Humblie beseeching His Excellie that hee will be pleased still to Continou ye same, assuring him of our true, sincere and unfeigned respects and service to or outmost; To which all the Council

Heartilie assented. Then the Lieut Governor said: Gentl. I desire you will attend the publishing of their Maties Letters patents, which will be the Last act you candoe as their Maties Councill under His Excellie Governor fletcher; Whereby you will pet the more express yor readie obedience to their Maties Commands. Soe bid you Heartilie farewell.

Here follow their Maties Letters patents.

Their Maties KING WILLIAM & QUEEN MARY'S Letters patents restoring WM. PENN, Esqr. proprietor of pennssilvania, to the governmt of the said province:

WILLIAM & MARY, by the Grace of God, king & Queen of England, Scotland, ffrance & Ireland, defendrs of the faith, &c. Wheras, upon informaon that by reason of great miscarriages in the government of our province of pennsilvania in America, & the absence of the proprietor, the same was fallen into disorder & confusion, By means wherof not onlie the publick peace & administraction of Justice was broken & violated, But there was also great want of provision for the guard and defence of our sd province agt our enemies, whereby it was apprehended that our sd province & the adjacent Colonies, wer much in danger of being Lost from the Crown of England; for prevention therof, as much as in us Lay, & for the bettor defence & Securities of or subjects Inhabiting those parts during this time of warr, Wee did find it absolutlie necessarie to take the government therof into our hands, and under our Immediat Care & protection; And did thereupon, by Letters patents under our great Seal of England, bearing date the Twentie-first day of October, in the fourth yeare of our reign, Constitute and appoint our trustie & well beloved Benjamin Fletcher, esqr., our Captain Generall and Governor in Chief of our province of New-york, to be our Captain generall and Governor in Chief in and over our said province of pennsilvania & Countrie of New castle, and all the Territories and tracts of

Land depending thereon in America, with directions to take the said province and Countries under his government: And did thereby grant unto him, the sd Benjamin Fletcher, and in Case of his death or absence outt of or province of Newyork & pennsilvania, our Countrie of New castle and our Colonies of East and West New Jersey, unto such person as should be appointed by us to be Commander in Chief of our said province of Newyork, or to our Councill of our sd province, the Like powers and authorities as wer granted by our Comission to the said Benjamin Fletcher, bearing date the eighteenth day of March, in the said fourth year of our reign, for the ruling & governing of or sd province of Newyork: and wheras, Humble application Has been made unto us by our trusty and well beloved William penn, Esq. proprietor of or sd province of pennsilvania, that hee may be restored to the administration of the government thereof as formerlie: And wheras, the said proprietor Has given us good assurance that hee will take care of the government of our said province & Territories, and provide for the saftie and securitie therof all that in him Lyes, Wee have therupon thought fitt to restore him to the administraction of the government of or sd province & Territories, and accordinglye, our will & pleasure is, that soe much of our said Comission bearing date the twentie-first day of October, in the fourth year of our reign, as doe constitute & appoint our trustie & well beloved Benjamin Fletcher, Esqr., to be our Captain Generall and Governor in Chief of our said province of pennsilvania, Countries of newcastle, & the territories & tracts of Land depending thereon in America, together with all the powers and authorities thereby granted for the ruling and governing of our sd province and Countries, doe from the publicaon of these our Letters patents, cease, determin & become void, and accordinglye, the same are hereby declared void; of which all persons whome it may concern are to take

notice & govern ymselves accordinglie, Under paine of our Highest displeasure. In wittnes wherof, wee Have caused these our Letters to be made patents. Wittness ourSelves att Westminster, the twentieth day of August, in the Sixt year of our reign.

Indorsed a duplicate of
the grant to William
penn, Esqr.

PIGOTT.

By writt of privie Seale,
with the great Seal ap-
pended, in yellow wax.

PIGOTT.

WM. PENN, propriatorie of pennsilvania, &c. His
Commission To WM. MARKHAM, to be Governor un-
der him of the sd province and Countries annexed.



William penn, proprietarie of the pro-
vince of pennsilvania & Counties annexed,
to his Trustie and beloved friend and kins-
man, William Markham, Greeting:

Being as yet unable to goe myself, and
having not time to make anie other set-
tlements of publick affairs than that
which followes, And reposing speciall
Confidence in thy justice, prudence and
integritie, I have hereby thought fitt to Nominate & ap-
point thee Governor of my said province, &c. under me,
And I doe hereby declare and Constitute thee Governor
of the same as aforesaid; Hereby also appointing &
constituting for the more easie discharge of the trust
reposed in thee, Two assistants, viz: John Goodson and
Samuell Carpenter, of philadelphia, in the province
aforesd, strictlie charging and requiring thee in all
things to govern according to the known Laws &
usages thereof, and with the advice and Consent of
both, or one of them; And particularlie, that Care be
taken to Suppress all vice and disorderlie walking, by
reviving and zealouslie executing all those Laws that
tend to Sobriety—Strictlie charging all persons con-

cerned to give thee & assistants the respect due to yor respective stations in government; Hereby revocking all former Commissions granted by mee, And this Commission to Continou in force till farder order from mee. Given at Bristoll, this twentie-fourth day of the ninth month, one thousand Six Hundred ninty and four.

WM. PENN.

WM. PENN'S Commission to John Goodson & Samll Carpenter to be assistants.

WILLIAM PENN, proprietary of the province of pennsylvania, &c., to his trustie & Loving friends John Goodson and Samuell Carpenter: Wheras, I Have appointed and Constituted my Cousin William Markham, Governour under mee of my province of pennsylvania, &c., and taking into Consideration the state of the province, and his frequent indisposition, I have thought fitt, Reposing Speciall Confidence in yor Justice, prudence & Integrite, To appoint and Constitute you assistants to him in government, according as is expressed in his Commission, by your advice and Consent, or the advice and Consent of one of you, to transact and govern the affairs of the said province in my absence, according to the Laws & usages therof; Requiring all people to give you the respect that is due to you in that station and Capacitie. Given att Bristoll, this Twenty-fourth day of the ninth month, 1694.

WM. PENN.

Concerning the Levy of Certain Troops.

ATT A COUNCILL HELD ATT PHILADELPHIA
DE Generis, 29th June, 1695.

Gentl., Seeing it will require a Long time to gett a full Councill, by reason of the remoteness of manie of ye members, I Let you know That having Latelie re-

ceived another Lre from His Excellie Governor Fletcher, I thought it necessarie to call a Councill as soon as I could; I hop't indeede to have had a Larger number present than I find come.

Gentl. When his Excellie Governor Fletcher, by his Lre to mee of the 15th of Aprill Last past, made his first demand of ye sd Quota of men, or the value of the charges for maintaining the same, Requiring that they should be provided & sent to New york by the first of May Last past, You know the ansr you gave to it, viz: That you were not in a capacities to give a full & Satisfactorie ansr to soe weightie a matter wtout a generall Assemble, And that most of the members Living soe remote from this place, & harvest drawing on so near that they could not meet till about the 9th of 7ber next, & yrfore, you yn advised mee to Comand the Assemblie to meet the sd day to advise & Consult yrupon.

Gentl., You know that I thought that time too long, & yrfore yn desired you to Consider further before you resolved; yet you then replied that you had deliberatlie Considered of it, & that it would be to the ruine of manie families to be from home in harvest. Therefore I now desire you seriouslie to Consider what ansr I shall give His Excellie Gor Fletcher, to his 2d demand.

Gentl., I'm here in the roome of or proprietor, & since he has not restricted nor Limited mee, the blame shall not Lye att his doore. If you will doe anie thing that may effectuallie ansr her Late Maties Royall will & pleasure, and his Excellie Governor Fletcher's demands formed yrupon, I'll give such sanction to it as becomes me to doe; and tho' the proprietor has given their Maties good assurance that he will take care of the government & provide for the safties & securities therof all that in him Lyes, And is by her Late Maties Royall Lre Comanded to give directions that due provision be forthwith made att the publick charge of ye province, for the furnishing the said assistance, as the same shall

he soe demanded from time to time by his Excellie the Governor of Newyork, yet the proprietor, if he were here himself, nor I that represent him, Cannot raise monie wtout you & an Assemblie, who are the people's representatives; And if you will doe anie thing, I am ready in the proprietaries behalf to give it Sanction. And yrfore, I desire your advice whether to shorten the time of the Assemblies meeting from the 9th of 7br. to a nearer day will be of any service.

29th June, 1695.

Concerning the Raising of Funds to Support the Government and the Reinstatement of the Proprietary.

GENTL., YOU ARE CONVENED BY VIRTUE of a power derived unto mee from Mr penn, Our absolute proprietarie & Chief Governor, under whois governmt you Lived happilie for manie years. Their Maties, our Sovereign Lord and Ladie Wm. & Marie, wer pleased upon some apprehensions that this province was in danger of being Lost from the Crowne of England, to take us undr their more Imediate care & protection, During which time I was yor Lieut. Governor, & I must say that I have observed in you (I mean both you and those you repret) a dutiefull affection to their present Maties, in a readie Compliance with all yr Comands, after such mann'r as yr tender Consciences could permitt. Most of you were either of the Councill or of the Assemblie first called by his Excellie Governor Fletcher, and when the Queen's Lre for the assisting the province of New york to defend yr fronteers was read, I rejoiced to see you readiness to Comply, and tho' the principles of most of you were agt giving any thing to Maintain warr, yet you Dutiefullie & prudentlie, & without ex-

ample from yor neighbours, raised money under the title FOR THE SUPPORT OF GOVERNMENT, but to be disposed of as his Excellie Governor Fletcher should think fitt, Which monie was by his sd Excellies order transmitted to New york, & no doubt well imployed in the service of the Crown. And now Gentl., Their Maties Have been graciouslie pleased to restore our proprietaire to His governmt, a gentl, I'm sensible, has allwayes been verie affectionate to us, & I hope none of us (I am Confident there it not one here) will be wanting in gratitude towards him, nor in due respect to & Love for him; Let us yrfore, Like dutifull, Obedient & gratefull subjects, entreat or proprietarie to return their Maties or most Humble & Heartie thanks for this yr great & gracious favor & to assure ym yt wee shall ever Continou to be yr most Loyll & obedient subjects.

20th May, 1695.

Concerning the Formation of a New Model of Government and Certain Other Matters.

GENTL. BY THE WRITTS ISSUED BY ME for Calling you together, you may see it was to choose representatives to forme a provinciall Councill, to advise wt mee in matters relating to ye governmt; Accordinglie the elections wer made, & you that were chosen have appeared & pformed all the Ceremonies Usuell by any former provinciall Councill. Gentl. you have taken up much time in endeavouring to Lay aside the Charter granted you by the proprietarie, which you then thankfullie accepted of, & to propose & make a more easie frame than formerlie by ye sd Charter & act of settlement you had, but ye difficulties yt attended yor new bill & frame were so great that they Could not be gott over. Since

yrfor the end of my Calling and of yor Coming together was to advise wt mee in matters Relating to ye governmt,

I Lett you know That the Queen's most excellent Matie Hath, upon the 21st of Augt, 1694, signified to or sd proprietor & in his absence to the Comandr in Chief of ye sd province of pennsilvania for ye time being, That a Quota not exceeding eighty men, with their officers, or the value of the chairges of maintaining ye same, be the measure of the assistance to be given by ye sd province of pennsilvania & Countrie of Newcastle for ye defence & securitie of the province of Newyork, Thereby Requiring & Comanding or sd proprietor att all times, upon application of the Governor & Commander in Chief of the province of Newyork, to send ye same for the defence & Securities yrof; And yt the said proprietor give directors that due provision be forthwith made, att the publick charge of the sd province of pennsilvania & Countries of New Castle, for the furnishing such assistance as the same shall be soe demanded from time to time, by the sd Governor or Comandr in Chief of the sd province of Newyorke.

The Serious & due Consideraon of which Letter I Recommend unto you, & according to your dutie, doe require your advice & assistance in the prosecuting this weightie affair, upon which yor owne & yor nighborus securitie and preservaon soe much depends.

I also Let you know, That His Excellie Benjn Fletcher, by his Letter of ye 15th Aprill, writts mee that hee is necessitated for yr Maties Service & the securitie of ye fronteers, to demand from us eightie men & yr officers, with armes, amunition, & pay for one yeare. The Officers yt will be requisite are One Captain, Two Lieutenants, foure sergeants, foure Corporalls & two drummers; & yt yr Maties have Comanded us to furnish him with this assistance from pennsilvania & newcastle, & yt ye frontiers are soe circumstantiated att

psent, that their being att Albanie on the first of May next ensuing, or as soon as possible may be, is thereby required. Both which Lres having been read, The Governor added: Gentl. you are the Representatives of the people, yrfor I again desire yor advice here. The Representatives Having desired some time to Consider thereof, the Governor did Resolve the whole Representatives into a grand Committee, to Consider of an effectual answer both to her Majesties Letter and Governor Fletchers, and delivred to Wm. Clark, one of their number, both the sd originall Letters for their perusall, & to make report to-morrow.

29th May, 1695.

Concerning the Raising of Monie for the Support of
Troops.

GENTL. I ORDERED ALL THE MINUTES of Councillis that have been held since the proprietor's restoration to his governmt to be read, to remind you how we have fallen outt of the method of governmt formerlie settled by the proprietor & the people's representatives, In which the provinciall Councill used to promulgate bills that were to be past into Laws twenties days before the sitting of the assemblie, att the end of which time the assemblie used to meet to Confirm or reject those bills.

Gentl., You are sensible how much I was agt altering anie thing in the charter which was granted us by the proprietor, wtout his knowledge & consent, & how great occasion I had for an Assemblie was & is plain to you, Viz: to answer the Late Queen's Comands in assistink Newyork wt or Quota agt or Comon enemie the French.

Gentl., I endeavored to bring the governmt to the method that was ever used in the proprietor's time, be-

fore his Excellie Governor Fletcher had it, and accordingly, I issued out writts to forme a provinciall Councill; In answer whereto you mett & performer by Oathes, attests & Subscriptions, all things necessarie to it; and then I did my duties & Laid before you the Late Queen's Letter & his Excellie the Governor of New-york's application to mee for the Quota allotted to this governmt, expecting you wold have promulgated bills for the raising monie for it, but instead of that your Resolves wer that you were not in a capacitie to give a full and Satisfactorie answer to so weightie a matter wtout a Generall Assemblie, & most of you Living soe remote from this place, & Harvest drawing on soe neer, that you could not meet untill about the ninth day of Septr then next; And yrfor, did advise mee to Comand the assemblie to meet the said day, to consult & resolve yrupon. And yrfor, it was resolved that the assemblie be conveened to meet at philadelphia the sd ninth day of Septr then next.

And now Gentl., you are to advise what course to steer to attain to to the Chief end of or meeting, viz: to answer the Late Queen's Letter, & when that is done & the Ice broken, all other things will be easie.

Gentl., the Assemblie is come according to appointment: The first thing wee are to Consider of is the method of preparing and passings Bills. Gentl., Both you of the Councill as well as of Assemblie, are Representatives of the people, both being chosen by them; I Have not the choice of one member of either, therefore, when I speak to you I speak to the people's Repsentatives, as much as when I speak to the Assemblie, And wtout yor & their Consent, I cannot raise monie, & wtout monie I cannot answer the Queen's Commands. I pray God direct you that what you doe may be to his glorie, the king's honour, & the saffie of this poore province. Gentl., I expect your ansr.

9th Septr, 1695.

Concerning the Furnishing of Assistance to the Arms
of Her Majesty, and Other Matters.

GENTL., YOU ARE NOW QUALIFIED FOR
bussiness, and that you may the better know yor
dutie, yo shall heare the papers following:

* * * * *

Gentl., I though it necessarie to cause the above
papers to be read, as the foundation & beginning of yor
proceedings. I made a speech to the Councill yester-
day which they shall have, and they will Resolve into
a Comittee of the whole house to consider yrof; &
Mt. Speaker, I desire you to doe the same, yt you may
meet together & give yor best concurrent advices in
ordr to answer my sd speech.

10th Septr, 1695.

Directing the Dissolution of the Assembly.

GENTL, I YESTERDAY RECEIVED FROM YOU
two bills; The one entitled an act for raising One
pennie p. pound and Six Shillings p. head on such
as are not otherwise rated yrby, towards the support
of governmt, wherein you propose to give 250lb. for
support governmt & 300 lb. to mee towards my services,
and the Surplusage for defraying the debts of the gov-
ernmt. The other an act of settlement.

If you Gentl, the members of Councill and Assemblie,
are satisfied with those bills as they are, They need not
be read over again. But if you, or any of you, are not,
He order the reading of them.

Gentl., you have delivrrred mee these two bills to-
gether, as if you meant to tack ym soe the one one to
the other, as that I must pass both or neither. Gentl,
you know I allwise Recommended to you the effectual
Consideraon of, & ansr to her late maties Leter, & his
Excellie Gorr Fletcher's demands yrupon; This was

the prime & principall (if not the onlie) occasion of my calling and of yor coming together att this time, (for wee formerlie had Laws enough, and men enough to execute them.) You have indeed in some manner Considered it. But as you have brought these two bills together, it would seem you would have ym past together. But Gentl, To be plain and above board with you, If you'll first pass the monie bill, designed (as you say) to ansr the Queen's Letter, in what manner & under what title you please, Ile give sanction to it, Leaving the bill about the act of settlement to a further debate. Gentl, In the monie Bill you have Considered mee, and I as much thank you as if I had received yor offer; But I desire to be totallie left outt of it, rather than the late Queen's Letter should remain unanswered. And I assure you, Gentl., I shall not assent to the passing of anie bill or bills whatsoever till that be past first.

* * * * *

Gentl, You Have now satt well night three weeks & have done next to nothing; The onlie thing I called you for was to answer the Queen's letter, & his Excellie Governor Fletcher's demands yrupon. I have oft prest you to it, & do now again.

* * * * *

Gentl, I cannot in Honour nor Justice to the proprietor, pass this bill or act of settlement, nor will I. I have sufficient reasons for it, wch I am not obliged to give here. Gentl., As oft as I press you to ansr the Late Queen's Letter for the supplie of Newyork, your ansr to mee is that yor priviledges ought to be confirmed to you. I never did, nor ever shall endeavour to diminish them.

But Gentl., Since there's no Likelihood of obtaining from you anie ansr to the Late Queen's Letter, nor to his Excellie Govr. Fletcher's Demands thereupon, Unless Ile enter upon and grant you a Charter of privileges, I dissolve you, and you are hereby dissolved.

27th Sepr, 1695.

Concerning Certain Matters of Government.

GENTL, ATT OR LAST MEETING THE PROVINCIAL Court requiring the attendance of some of you, I could then proceed no farther than to administer to some of you the Oathes, &c., & to see you subscribe the test, And to see others subscribe the declaracion of fidelitie and profession of the Christian faith & test. I think it necessary to take the same my selfe, which I desire you to administer to me, & tho' I have taken ym before, yet I think it requisite to take ym again, because there is some alteration in the frame of or government since I Last took ym.

Gentl. I had not been so long wtout a Council, but that I expected orders from or proprietor & Chief Governor, (having given him an exact and true accot of the state of his Governmt from the time he has been pleased to Comitt it to my care.) But by his Lyres, I perceive some of mine have been taken by the French & others, soe delayed by the long stay of the shippes wherin they went, that they were not come to hand before this last Virginia fleet came from England. But having received severall orders and Instructions, both from the Honble the Lords of the Councill and the Comrs of his Maties Customs, with an act of parliamt for preventing fraud & regulating abuses in the plantation, & strict chaarge and Comand from the proprietor and Chief Governor, vigorouslie to putt the same in execuon. All which I desire the Secrie to read.

* * * * *

I have therefore, being well satisfied in yor loyaltie and allegiance to his matie King Wm. and of yor fidelity to the proprietor, made choice of you for his Council, the number of which is not to exceed Twelve and no less

than five to be a Quorum. I know you are all men that are fastned to the Country by visible estates, I mean such as the Law calls Real estates, of which each of you have a plentiful portion, and thats a great securitie that you will study the interest of the Country, and will advise me in what you believe to be for the saftie and preservaon of it; and let me tell you, that nothing can be more for yor preservaon and securitie, nor recommend you more to his matie, than yor diligent obseruon and execuon of his Laws and orders. In this I doe not speak to you only as a Council, but also as you are magistrats, and such that you will have a special care in yor respective counties, that nothing be done to the Contrarie, or in violation of them, but that you be diligent to see ym duelie executed; and this is not only a dutie to yor Sovereign, but a Justice incumbent upon all Honest men and lovers of their Country.

The proprietor advises mee that hee has written to some friends about his Excellly Governor ffletcher's objection about men or money. If anie of you know the Contents of that Lettr, and that it be convenient, I desire you will acquaint the board with it; perhaps it may his Excellly Gor ffletcher satisfaction. I have Sea'll Lres from him since the Last assembly, demanding our Quota; but you all know I could make no Satisfactorie answer wtout money. To answer all these things to purpose, and to putt this governmt in a better posture of defence & securitie than it is att present, I find it absolutelie necessarie that there be an assembly called with all convenient speed, Wherein I desire yor advice.

28th Sept, 1696.

Further Concerning Rendering Assistance in the Way
of Monie or Troops.

GENTL., YOU MAY REMEMBER THAT THE 27th instant I recommended to you the effectual Consideraon of the late Queen's Lettr, & his Excellie the Gor of newyorke, his demands of the Quota therin mentioned, to be sent for the assistance of newyork from this province. Since which, I have received the sd Gor fletcher's speech to the assembly of newyork, dated the 16th instant, which had some relation to that matter, which I give you, that thereby you may see the pressures of that province, & the great occasion they Have of men & monie, & of food & rayment, to be given to those nations of Indians that have Latelie suffered extreamlie by the French, which is a fair opportunitie for you (yt for Conscience cannot Contribute to warr) to raise monie for that occasion, be it under the Colour of support of governmt, or of reliefe of those Indians, or what else you may call it.

28th October, 1696.

Concerning the Propriety of Certain Actions of the
Governor.

MR SPEAKER & YOU GENTL. OF THE AS-
sembly, you are a verie silent & close As-
sembly, which I believe proceeds from some
jealousies you may have that I intend to take away
yor Charter. Mr Goodson relinquished his assist-
anceshipp to me, that Arthur Cook might take it
up, by presenting to mee a Comission from the pro-
prietor to me, which hee had kept hid from mee these
18 mo's past, & wch authorized me to act according to

Law & Charter, & by another to Samll Jennings & Arthur Cook, to be my assistants, which they also kept hid from mee the Like time. Gentl, After the proprietor had his Governmt restored to him, I was of opinion that his Charter to you was in force, and I then called you together according to it, (except in the day,) & endeavored to putt the governmt in that frame it was in before it was taken from him, & no man more asserted the powers of the Charter than I did, and am still readie to doe; But the then Representatives wer of opinion that it Could not be Reassumed but by a Legislative authoritie, which was a thing of too great moment for mee to have done wtout advice from the proprietor, who gave the Charter; and since at that time you owned not yorselves to a provincial Charteral Councill, It was then in my power to dissolve you, which I did. Gentl. no man ever heard mee say that the Charter was void, & no man stood more for the defence of it than myself. And had that Comission which Mr Cook now present to mee from the proprietor, which authorizes mee to act by Law & Charter, been the first presented to mee, I could not even by it have acted more Charterallie than I did by that by which I then & now act, which authorizes mee to act according to the Laws & Usages. And since you say that the Charter cannot be putt into act & motion without a Legislative authoritie, If I had power or Instructions from the proprietor to doe it I wold most willinglie; But yet for all that, care must be taken ffor the governmt, and if by Charter I can doe nothing by the king's Letters patents, I must, seeing the emergencie of affairs, call for it with all dispatch. Gentl, If there be any thing you wold have me do that may secure anie right or claime you have in Law or equitie to that Charter, or anie part of it, (besids putting it in force wtout the proprietor,) I'll offerr that nothing you doe this sessions shall be any manner of way prejudicial to yor claime or right to the same.

Gentl, Its above 12 mo's since I called an Assembly, & indeed I was backward to call one, knowing how fond you wer of the Charter, Hoping to Have Heard from the proprietor; but now the emergencies being such that I could no Longer delay the calling you, I have called you according to the king's Lres patents to Mr penn, & as neer as I can according to the Customs of the nighbouring provinces. Gentl, yesterday I received a Lettr from his Excele Gor fletcher, demanding or Quota, &c.

30th Octobr, 1696.

Introductory Remarks to the Assembly.

GENTL, & YOU MR SPEAKER, YOU ARE ATT this time mett together, not by virtue of anie writt nor call of mine, but by virtue of a Law made by yorselves, or by yor representatives Last Sessions, & yrfor I have the Less to say to you. I recomend to yor Consideraon a Letter which I latelie received from his Excelly Benjn Fletcher, Gor of Newyork.

12th May, 1697.

A Proclamation against the Promoters of Certain Immoral Conditions.

BY THE GOVERNOR AND COUNCILL OF THE province of Pennsylvania & Counties annexed: A proclamaon.

Whereas, or proprietry Hath Latelie given us to understand of sundry accusaons or Complaints agt this governmt, for Conniving att illegal trade and Harbouring of Pirates; as also, of the reports that are come for England about the growth of vice and Loosness here:

As to the former, its evident that they are the effects of the envy and emulation of those who by such unfair and indirect means wold accomplish their designs agt this governmt, for that wee are satisfied, the generality of the people, merts, and Traders of this province & territories, are innocent and clear of those imputations: and this Countrie being so posited, Philadelphia is become the rode where sailors and others doe frequentlie pass and repass between Virginia and New England, that it cannot be avoided but the bad as well as ye good will be entertained in such an intercourse; and since Comon charity obliges us not to presume any person guilty, (especiallie of such great enormities) till by some legal probabilitie they appear so to be, and tho' wee find that the magistrats and people in general are and have been ready, & perhaps more active and Conscientious, to serve ye king and his officers agt all unlawll trade and piracy, when any such offences have by any means come to their knowledge, than any of those neighbouring Colonies who have been so Querimonious agt us in that behalf; yet wee can do no less than psuant to our proprietarie's Comands to put all in mind of their rexive dutys, that ther may be no just cause for such Complaints. And as concerning vice, Wee also find that the magistrats have been carefull and diligent to suppress it, but their endeavours have proved sometimes Ineffectual yrin, by reason that the Ordinaries or drinking houses, especiallie in Philadelphia, grew too numerous, and the keepers yrof disorderlie and regardless of the tenor and obligaons of yr Licenses, whereby they prove ungrateful to the Governor, and a reproach to the governmt. Therefore, these are strictlie to Charge and comand all magistrats and officers whatsoever wtin this Province and territories, as they regard the honor of God and their allegiance to the king, faithfully to put in execuon all the acts or Laws of trade and navigaon; And also, all the

Laws and statutes extant agt piracy, when ever they be any such occasion, and to use their utmost diligence and care in preventing, suppressing, and punishing all vice, disorders & Looss living, whersoever and in whomsoever it shall appear. And that end it is by the Governor and Council ordained, that from and after the first day of March next, the Justices of ye peace of each countie in this province and territories, at their rexive General or private sessions, may nominate and pitch upon such, and so many ordinarie keepers or Inn holders within their rexive Counties, as they shall be well assured will keep good orders and discourage vice; And the Governor is pleased to condescend that hee will License those so approved of by the Justices, and will permit no other to keep Taverns, Inns, or Drinking houses within this governmt, but such as shall be so Recommended from time to time. And wee further strictlie Charge and comand all persons within this governmt, as they will answer the contrary att their peril, that they give due assistance to the magistrates and Officers aforesaid, in putting the sd Laws in execuon, and suppressing vice, that the wrath of God & the king's displeasure may not be drawn upon this poor country. Dated at Philadelphia, this 12th day of the 12th mo., 1697-8, in the ——— year of the reign of Wm. the 3d of England, king.

Concerning the Disposi^{tion} of Certain Goods Seized
by Revenue Officers.

GENTL, THERE HAS HAPENED HERE IN THIS town an action that hath verie much troubled me, & I think in it self verie Irregular, viz: There wer some goods & merdizes Seized by ye king's Collectors for goods imported Contrary to Law, The wch

goods Coll. Robt. Quarry, Judge of the Court of admiraltie for this pvince & territories, by his warrt to Robt. Webb, marshall of ye sd Court, took from ye said Collectors, & Comitted ym to ye custodie of ye sd marshall, and ye sd Coll. Quarry being upon going to Maryland, I was petitioned by Jno Adams, ye owner of ye said goods, for a replevin, in these words, viz: "To ye Honble Wm. Markham, esqr., Gor of the province of pennsylvania. The Humble petion of Jno Adams most humbly Sheweth, That yor petitioner did, in ye mo. of June Last past, ship a Considerable Quantitie of goods on board ye sloop Jacob, Francis Basset Mr., bound for this place from New york wch sd goods, for want of a certificate, wer seized att New-castle; whereupon I, as in duty bound, made by applicaon to yor Honor, & yor Honr was pleased to promise mee all ye favour you Could in such a Case grant mee, And by yor Honor's advice, I went down to Newcastle to treat with the Collector concerning that, who not willing to take any advantage to Ruine mee, was verie willing to observe yor Honor's Comands & directions, so yt I hoped (as I thought on good ground) to Have my goods returned mee upon an appraismt, till ye Court wold be. A smal time after my certificate Came from Newyork, which I showed to the Judge of the admiraltie, & to Esqr Randolph, & requested I might have my goods. The Judge told me if I had 1000 Certificates I could not have my goods but in a Legal way, Becaus hee said yt Mr was not Qualified according to Law. I submitted to it, and pray'd I might have my goods prized, & wold give in good securitie to ansr it att Court, which was promis't mee (as soon as ye provost marshall had his Comission, which yet hath not been granted;) Tho' hee who was the author of all my trouble, & an alien, had his goods & vessel delivered to Him; & I was still putt off with fair promises that I should have ym; when ye advocate (yt is to be) had been att Newyork & come

back again, I should have ym delivered to me instantly. I ye meantime, understanding I had a Cargo of goods arrived there for mee, I went to Newyork to dispose of ye same, And meeting wt ye Advocate on my journey, Hee told mee I might have my goods if I wold give bail according to my prime Invoice, wch I was willing to do, rather than to Consume so much of my precious time waiting for I know not what, and so made all possible Haist to Newyork & putt my goods Into a merts. Hands there to sell for mee, allowing Him Usual Commissions, in regard I was Unwilling to neglect my troublesome bussines here, in hopes of a Speedy dispatch, according to the manie Reiterated promises made mee. So I made post from Newyork back again, & Have since made my applicaon to ye Judge of ye admiraltie, and delivered him my Invoice to puse, & offered him my oath to it. He told me he wold Consider of it, & since tells mee hee can do nothing in it, and gave mee some Hints as though it Stuck wt yor Honr, & am still putt off wt fair words, but no such actions. So yt I have assumed the boldness once more to adress to yor Honr, Hoping & Humbly requesting yt yor Honr will please to Consider the great Charge I have been att in having my goods seized, & paying ten shills p. week storige, almost these 2 mo's., & in having ym detained from mee; my several chargeable and uncomfortable voyages to Newcastle (by yor Honors advice) to treat with the Collector; my great charge, pains, & trouble in Coming back from Newyork, together with my great Charge & Inconveniencie in Leaving my goods there on Comissions; my intolerable Charge in ye Loss of my precious time, & extraordinary expenses I am dayly att; the Loss of my market & damnifying of my goods, wch, for aught I know, may be rotten before ye Court of Admiralty be Constituted, the Judge being bound to Maryland for ye advocat's Comission; the great detriment it hath been to my health, being fallen

away since I came almost to skin & bones, by Continual Concernedness for my hard, Unheard of Usage; the great destruction of my bussines att home & abroad; the impairing my Creditt, the best Jewell I have; the utter, unavoidable Ruine of my dear wife & children; ye smal, o r no advantage that can redound to his matie or yor Honr by with-holding ym from mee; all which tends to the dishonor of his matie in having his subjects wronged in pson & estate, by Hard hearted, unreasonable officers, & ye discouragmt of ye growing trade of this province. Yor petitionr Humbly prays yor Honr to Consider ye premises, and grant Hee may Have his goods on an appraismt, by sworn appraisers or anie other ways, as yor Honrs great wisdom may think fitt, being willing to give in Securitie to ansr what may be alledged agt my goods, and abide ye Ordre of ye Court. And yor petitionr, as in duty bound, shall ever pray for yor Honrs Happiness & prosperity. JOHN ADAMS, philadelphia, August 19th, 1698.”

I made ansr that I wold not medle with any thing that Lay before the Court of admiralty; But the day after, as I take it, the sd Coll. Quarry went out of this Town, The sd Jno Adams, Owner of the goods seized, obtained from Anthony Morris, one of the Justices of ye peace for this County, a warrt, by ye name of a warrt of Replevin, which was executed by ye under Sheriff, and the goods taken from ye marshall & delivered to the sd Jno Adams, ye owner yrof.

Upon the Complaint of ye marshall, I wrote to the Sheriff y 27th Augt, 1698, in these words, viz: “Mr. Claypoole, I wonder such an action of replevying ye goods in ye hands of ye marshall of ye admiralty should be done without my knowledge: It was but yesterday that I was petitioned for a Replevin, which I refused; & I think I have as much power as any man in this govenmt. What complaints & damages may arise from this Let the actors ansr for; since I cannot undo what’s

done, I will declare agt ye proceedings of all who were concerned in it: my advice to you is, & I expect that every thing you have taken by virtue of the warrt of Replevin, be forth coming in its proper specie." To which the sd Sheriff made answer in these wrds, viz: "Sir, I perceive by yors, yt Adams of Boston has been with you to request the grant of a Replevin, & yt hee had yor denial. Hee came to mee about foure in the afternoone yesterday, & desired to have a Replevin of certain goods that was taken from him by Robt. Webb, not naming him to mee by any office, & the writt named him Robt. Webb, gentl; I knew not that it any way interfered with the Court of admiralty, neither did I either hear or know any ways that hee had been with you. Replevins have been always here granted by the Justices, and never question by the Sheriff, no more than writts of arrest. I took of him bond wt Securitie in 300lb. for ye goods to be forth coming, being several sorts of English goods, five bolts of Canvass, & five $\frac{1}{2}$ barrells of East India goods, and that hee shall make restituon of ye sd goods, if it shall be so ordered by ye Court. Had I known you had been interceded about it, wold not have any wayes medled in it wtout yor approbaon; So hope my ignorance yrof may plead my excuse, being ever willing to obey yor Comands to ye best of my power and ability, so subt. JOHN CLAYPOOLE, 7th Augt, 1698." And Seeing the sd Robt. Webb, marshall of the admiralty, came no more near mee, I sent the Sheriff the following warrant, viz: "province of pennsylvania; By the Lt. Gor. Whereas, several goods & merchandizes wer seized by Mr Jno Bewley & Mr Mathew Birch, Collectors of his Maties Customs wtin this governmt; which goods wer delivered by ym Into ye hands or possession of Mt. Robt. Webb, marshall of ye Court of Admiralty, in ordr to have ym tryed in ye same Court, as goods illegallie imported, Which goods wer by the Sheriff of ye Countie of Philadelphia,

taken from the said Robt Webb, by virtue of a warrant of Replevin from a justice of the peace of the sd Countie, & the goods delivered to Jno Adams, the pretended owner thereof; I do yrfor hereby will and require you, to take into yor possession ye same & sd goods, & safely keep ym, untill further order, or that they be brought to trial in such Court ye Informer shall think fitt, according to Law, for which this shall be yor sufficient warrrt. Given att Philadelphia, this 27th day of Augt, in ye 10th year of ye reign of king Wm., & 18th of ye proprietor's govm't. Annoque domi, 1698, Wm. Markham. To Mr Jno Claypool, High Sheriff of philadelphia Countie." And the sd Sheriff wrote mee in answer this, viz: "Augt 30th, 1698. Sir, Jacob May, (the under Sheriff,) Has been yesterday & to-day about the execuon of your warrrt for seizing & Securing of ye goods taken by replevin, & have not as yet any accot yrof: I hope to wait on you to morrow, & receive yor further Comands. To subt, John Claypoole." Thereafter, the marshall, Robt Webb, posted outt of town after Coll. Quarry, & overtook him at New castle, and there drew up a narrative & swore to itt, but know not as yet what it is; But Coll. Quarry att his return to philadelphia, told mee hee had sent several Copies of it home, wt Coments upon it as large as the Circumstances of the thing wold bear, wt reflections upon mee in it. I told him I thought hee had been to quick in writting home before hee had first inquired in ye matter Himself. Then the Lt. Gor said, Gentl, Its now late, yrfor wee'll adjourn till Monday ye 26th instant, & in ye meantime I desire you will think of what I Have Laid before you, and yt you will be readie by yt time to assist mee wt yor advice in this matter.

24th Septh, 1698.

Further Concerning the Disposition of the Goods
Seized by Revenue Officers.

GENTL, I HOPE YOU HAVE BY THIS TIME CON-
sidered of what I Laid before you ye 24th instant,
& are ready to give me yor advice yrin. I ask
yor opinon of the action of Anthony Morris, the Jus-
tice of ye peace yt granted ye writt of replevin, becaus
Coll. Quarry, the Judge of the admiralty, aggravats it
as an action of ye governmts, and I think no action of
any Justice of the peace, nor no unjust proceedings of
any Court, can be termed an action of ye governmt.

26th Sept, 1698.

Introductory Address to the Assembly.

GENTL, & YOU MR. SPEAKER, EVER SINCE I
received instructions from yr excellies The Lords
Comrs of the Governmt, Subt by ye Comrs of His
majes Customs, wch was on ye 17th March Last, & Lyes
upon the table for yor pusal, I Have thought the time
Long to the day of yor meeting, that I might advise
wt you about an effectual way to answer every article
or Comand thereof. Our navigable Creeks where smal
vessels may Load are many, & not so well known in
England as they are to us here, yrfor wee cannot expect
yr excellies instructions should be so exactly framed,
nor any Law in England so made, but there may be
some difficulty here to put in execuon every part or
Article; But this we know, That it is or duty to take
care they be punctually observed & kept. Therefore,
I desire you will diligently peruse the Laws of trade
& navigaon, with the instructions, and where you find
any article difficult to execute, you will make such
Laws as may make them more easy, & enable the Gov-
ernor & his majes Collectors to yform yr duties with all
the securitie possible may be. I have desired the Col-
lectors to Consider what Laws they think necessary for

his maties Service & interest, & advise mee yrof. I have promised ym free access & freedom of Speech both to & in the Council & Assembly, and I expect you will perform it, & also to any of yor Comittees. This is the first thing I Have to propose, & desire it may be dispatched before wee enter upon any thing else.

11th May, 1698.



Very Cordially
Wm Penn

WILLIAM PENN.
Governor.
1682-1684.
1699-1701.



Chapter III.

WILLIAM PENN.

Governor,

1682-1684, 1699-1701.

THE FOUNDER OF PENNSYLVANIA WAS born in London on October 14th, 1644, and was removed to Ireland in 1656 where his father, Admiral Sir William Penn, was the owner of extensive landed property. Three years later, however, he became a student at the University of Oxford, and while here he became impressed with the views of the Society of Friends or Quakers, and identified himself with that religious body, of which he was destined to become the most famous member. His religious belief estranged him from his family and subjected him to the persecutions which the intolerance of his day inflicted upon all deviations from the doctrines and practices of the State church.

However unwelcome these persecutions may have been to the subject they were of the greatest value to the world, for Penn was induced by them to contemplate the establishment of a community in which religious liberty should always prevail. His first essay in this direction was connected with the colony of West New Jersey, in the management of which he was per-

haps the most conspicuous participant and upon which he was thus able to impress many of his own peculiar views. It was in connection with the establishment of the colony of Pennsylvania however that he was enabled to carry out his ideas unhampered by the more conservative notions of others. Securing from Charles II, in lieu of certain inherited claims upon the Crown, a royal grant of the country north of Maryland, east of the Delaware river with western limits similar to those of Maryland, and with an indefinite northern boundary, he entered upon the wonderful experiment in government, which has forced his name to the head of the long list of benefactors of mankind.

Comment upon the wisdom of Penn's pacific attitude toward the Indians with the consequent unbroken peaceful relations of Pennsylvania with the aboriginal owners of the soil, is unnecessary in this note, but it is well to observe the less well-known generosity toward the white inhabitants and settlers. A purchase price of ten cents an acre or an annual rental of two cents an acre were alternatives that satisfied the most grasping of the colonists, while absolute religious liberty, and untrammelled civil conduct combined to form a government unparalleled in the wisdom and kindness of its structure.

Although he became the proprietor of the province in 1681, it was not until the 27th of October, 1682, that he set foot upon the soil which was to perpetuate his name, the colony being administered during the intervening period by his cousin, Captain William Markham, who became by that fact the first Governor of Pennsylvania. Penn's first visit occupied but a year

and eight months, but during that time he completed his organization and placed the colony on the road which in after years led to unexampled success. He convened at Chester the first session of the General Assembly, December 4th, 1682, when was adopted the "Great Law" upon which the legal practice of the province was based for many years thereafter. At the second session of the Assembly in the Spring of 1683, a new charter was granted reducing the number of members of the Council and Assembly, which had hitherto been unnecessarily large, and introducing certain other modifications advantageous to the colonists.

His stay in England, owing to religious persecutions, was prolonged far beyond his expectations, a period of sixteen years having passed before his return in 1699, during a part of which his proprietorship had been ignored and the province governed directly by a representative of the Crown. During the entire period however peace and prosperity had prevailed among the people of the colony. Penn, now with the intention of making his home permanently in America, planted his lares and penates at Pennsbury Manor, a charming site on the Delaware, four miles above Bristol. He was permitted to enjoy this home for but three years, when it became necessary for him to return to England to protect his proprietary interests which were threatened by unscrupulous enemies at Court.

His presence in England was sufficient to counteract the plot against him, but just at this time the treachery of an unprincipled steward brought him into serious pecuniary troubles which resulted in his imprisonment for debt for a period of nine months. The differences

between his Lieutenant Governors and the various Assemblies added a new source of anxiety, and to relieve his mind, he went so far as to take the preliminary steps toward transferring his civil control over the province to the Crown, but the consummation of the plan was prevented by his illness which lasted for a number of years and culminated in his death in 1718 at the ripe age of seventy-four. His personal administration of the affairs of the province covered two periods,—from October 24, 1682 to August 12, 1684 and from November, 1699 to November, 1701.

Letter of Authority for the Selection of Three or Five
Names from which the Proprietary will Select a
Deputy Governor.

FRRIENDS, I HEARTILY WISH YOU ALL WELL,
and beseech God to guide you in ye ways of
Righteousness & peace. I have thought ffit vpon
my fflurther stopp in these parts, to throw all into your
hands, that you may all see the Confidence I have in
you, and the desire I have to give you all possible Con-
tentment. I doe earnestly press your Constant attend-
ance vpon ye Government, and ye Diligent persuit of
peace & vertue, and God Almighty strengthen your
hands in so good a work.

I also recommend to you the perticular Discipline of
That Towne you meet in, that Sobriety and Gravitie be
maintained, & Authority kept in respect. As it coms
in your way, Countenance my Officers in Collecting my
Small Revenue.

Lett ye Laws you pass hold so long only as I shall
not Declare my Dissent, that so my Share may not be
excluded, or I finally Concluded, without my notice:
in ffine, lett them be Confirmable by me, as you will
See by ye Commission I Left when I Left the Province.

And if you Desire a Depty Govern rather, name
Three, or ffive, and I shall name one of them, so as you
Consider of a Comfortable substance, that ye Governmt
may not go a begging. I do not this to be binding
President; but to give you and ye people you represent
the fullest pledges I an able at this Distance, of my
regard to them. What Ever you do, I desire, beseech
& charge you all to avoyd ffactions and parties, Whis-
pering & reportings, and all animosities, that putting
yor Common Shoulder to ye Publick work, you may
have the Reward of Good men & Patriots, and so I bid
you heartily ffairewell. Given at London, this 12th
of ye 6th Mo., 1689.

WM. PENN.

Authority for the Selection of a Deputy Governor by
the Provincial Council.



WILLIAM PENN, Absolute Proprietary of the Province of Pennsylvania & Countys annexed, To his Trusty beloved ffrriends, The Provincial Council ffor ye Province of Pennsylvania, &c., Greeting:

Since the Providence of God hath disappointed my reall Intentions and Ernest Inclinations of Comeing to you for some time longer, and to ye End ye Inhabitants thereof may be assured I have &

Seek no other Interest then what is agreeable with theirs, I doe Consent that you please yourselves, & therefore doe hereby Impower you to Chuse Three persons within ye said Province or Countys annexed, to present to me by ye very ffirst opportunity, out of wch I shall Chuse one for my Deputy or Lieftenant Goveerr; and till my mind therein is knowne, I doe hereby order that he that has ye most votes, or is ffirst Chosen by you, shall ffrom ye time of yor Choice, Act as my Deputy or Lieftenant Governor, over ye said Province & Territorys, according to ye Power and Limitation of fformer Commissions, you takeing Care to Support him in yt Capacity, Revokeing all fformer Commissions to any else granted, & requireing all persons concerned to give him that respect due to his high Station. Given at London, ye 25th day of ye 7th Mo., 1689.

WM. PENN.



WILLIAM PENN, absolute Proprietary of The Province of Pennsylvania and Counties annexed, to his Trusty and Beloved friends, the Provinciaall Council ffor the Province of Pennsylvania, &c., Greeting.

Since ye Providence of God hath disapoynted my reall intentions and Earnest inclinations of Comeing to you for some time longer, & to the end the Inhabitants thereof may be assured I have and Seek no other Interest then what is agreeable to theirs, I have thought fit to apoynt you my Deputy & Lieftenant in Government, and do accordingly hereby constitute you my Deputy, to act & doe in all things in my name and Stead, according to ye power and Limitation of fformer Commissions. I doe also Impower you to elect ye President ffrom time to time, as you see Cause, so as he and you Exactly ansyer ye Charter and Laws of ye Country, Requiring all persons Concerned to give you ye Respect due to your high Station, wch Commission shall Continue so long as I shall see convenient. Given at London, this 25th of ye 7th month, 1689.

WM. PENN.

Concerning Certain Monies Due the Proprietary.

WHEREAS, THERE IS 600LB, DUE TO ME WCH has been neglected or refused to be paid, if ye Province will build me a house in the City ffor my reception, upon my Lott, Leaving me to make additions hereafter, if there be occasion, I hope to be there as soon as that is finished. I have sent Capt Wm. Markham my model Or stock, ye Three Plantations of my Three Children, wth Each two Hundred pounds, wch Comes to ye sum, I shall take it well, and this may

be sooner and safe done yn returning me yt sum, tho' here it would have done me most good.

2d 11 Mo., 1689.

Instructions ffor Lt Governor Blackwell, or whome else it may Concerne.

FIRST: THAT THINGS BE TRANSACTED IN MY Name, viz: Absolute Proprietary of Pennsylvania, provided it agrees with our Charter and Laws, as I think it dos), &c.

2. That all Commissions signed by me and sealed here with ye Lesser Seal, be taken for Suxcient warrts & Directions for passing them vnder yeb road seal, without any other Instrument of Authority.

3. Thirdly: to Collect ye Laws that are in Being, and sent them over to me in a sticht book, by ye very ffirst opportunity, which I have so often, and so much in vaine, desired.

4. To be carefull that Speedy, as well as through and Impartiall Justice, be done; Virtue in all Cherished, & vice in all punisht.

5. That fines be in proportion both of ye ffault and ability of ye party, yt so they may be paid.

6. That ffewds between perswasions or Nations, or Counties, be Suppressed & Extinguished, if any be, & if none, that by a good Conduct they may be prevented.

7. That ye Widdows, Orphans, and Absent, may be particularly Regarded in their Right, ffor their Cry will be Loudest in all Eares; but by Absent I mean Such as are so by Necessity.

8. To Countenance ye Commrs of Propriety, where land is vnseated, or people are vnruely in their settlements, or Comply not wth reasonable Obligations about bounds, banks, Timber, &c. ffor tho' wee Came to a wilderness, it was not that we should Continue it so.

9. That ye Sheriffs of ye Respective Counties be Charged wth The Receipt of my rents, ffines, &c., as

they doe in England, & give Security to ye Receiver Generall ffor ye same.

10. To have a Speciall Care that Sheriffs & Clarks of ye peace Impose not vpon ye people, and that ye magistrates live peaceably & soberly, ffor I would not Endure one loose or litigious person in Authority; Let them be men having some ffeare of God, and hateing coveteousness, whatever be their persuasions: to Employ others is to prophane an Ordinance of God.

11. That Care be taken of ye Roads and Highways in ye Country, that they may be streight & Commodious ffor Travellers; ffor I understand they are turned about by ye planters, wch is a mischief yt must not be endured.

12. Rule ye meek meekly, and those that will not be so Ruled rule wth Authority; And God Almighty prosper all honest and prudent Endeavours.

Lastly: Consider by what means or methods ye Good and prosperity of ye Plantation may be promoted, and what Laws in being are vnnecessary or Defective, and what are wanting, and in Each particular hereoff, Lett me have advice as Distinctly and as speedily as may be.

Given at London, ye 25th day of ye 7th Mo., 1689, was signed

WM. PENN.

Concerning the Impropriety of Objecting to the Election to Office of any Person on the Ground that He is in the Employ of the Proprietary.

PRAY REPRESENT TO YE DEPUTY GOVERN and Provincial Council the Invasion and oppression of those that Except against any man being Chosen a member of Council or Assembly that is in my service, though it appear yt they are otherwise good and Honest men: is there not ye same Reason to refuse them their votes that Choose their Landlords, Cus-

tomers, masters or Relations, ffor ye Reason is rather Stronger: is my Interest already rendered so opposite to ye Country's, and I and those Employed by me become such ill men yt it is Impossible they Can serve ye Country and me together? I could say much against ye Impolicy and Impiety of Such Suggestions; only make a stand & protest against all Such things.

WM. PENN.

13 day, 2d Mo., 1689.

Concerning Certain Alleged Immoralities of the Province.

LONDON 5TH 7 M., 1697. FRIENDS, THE ACCUSAONS of one sort, & the reports of another that are come for England agt yor governmt, not only tend to or ruin, but disgrace. That you wink at Scotch trade and a Dutch one too, Receiving European goods from the latter, as well as suffering yors. agt the Law & English interest, to goe to the other; Also, that you doe not onlie wink att but Imbrace pirats, Shippes and men. These are yor accusaons, and one Fra. Jones of philadelphia has Complained of them to Gor Nicholson, becaus it was not redrest in the governmt. The Reports are, and a nameless Lettr is come to me besides from Philadelphia, to ye same purpose, that there is no place more overrun with wickedness, Sins so very Scandalous, openly Comitted in defiance of Law and Virtue: facts so foul, I am forbid by Comon modesty to relate ym. I do yrfore desire and charge you, the Gor & Council for the time being, to issue forth some act or acts of state forthwith to suppress forbidden trade and piracy, and also the growth of vice and Looseness, till some severer Laws be made agt them: And I do hereby charge that no Licence be granted to any to keep publick houses, that do not give great securitie to keep Civil houses, and are not known to be of a sober

Concersaon, and that the Courts of Justice in each County have the approbaon, if not Licensing of ym. In order to prevent such acts of the Lewdness and Idleness as are too often seen in such places; And that you take Care that Justice be Impartially done upon transgressors, that the wrath and vengeance of God fall not upon you to blast your so very flourishing beginning. I hasted to you as fast as ye Complaints here agt you will give me leave, that make my presence now but too necessary. Let neither base gain nor a byast affection mak you partial in these Cases, but for my sake, yor own sakes, and above all for God's sake, Let not the poor province Longer suffer under such grievous and offensive Imputations; and will oblige him that loves you, prays for you, and prays to be with you, and is with true Love your real friend & affectionate proprietary.

WM. PENN.

Concerning Laws against Piracy, Etc.

FRRIENDS, HAD THE PSENT EMERGENCIE OF calling you att such a season of the year concerned me only, I should not have done it till ye usual time, but since it concerns ye Crown in two verie considerable cases, recommended to me by ye Lo's Justices of England to reinforce and Improve ye Laws already made agt piracie and illegal trade, I have yrfor desired to see you att this time to pass two such Laws, and for no other end; I shall defer other things to the usual time of meeting in ye 3d mo. next.

Jan 25, 1699.

Concerning Certain Deficiencies in the Form and Substance of the Government and Some Other Matters.

FRIENDS, THO' THIS BE A COLONIE OF 19 years standing, & not inferiour to anie of its age, yet wee have much to doe to establish its constitution & Courts of Justice; there are in it some Laws obsolete, others hurtfull, others imperfect, yt will need improvement, & it will be requisit to make some new ones; wee cannot go too slow to make, or too fast to execute them when made, & yt w^t diligence & discretion, a few well made & duly executed, will better ansr ye ends of governmt yn a greater bulk unexecuted. You friends are ye people's choice & my Council; you'll see what Laws are fitt to be Left outt & what to be made, & you w^t mee, are to prepare & propose ym. I say this the rather becaus of a false notion some have gott yt becaus you are my Council y^rfor you are not ye people's representatives. The ablest men have always been chosen to be of ye Council to prepare Laws, & ye Assembly to consent to ym; wee are two bodies yet but One power, the one prepares, ye other consents. Friends, if in the Constituon by Charter, there be anie thing yt jarrs, alter itt; if you want a law for this or that, prepare itt; I advise you not to trifle w^t governt. I wish ther wer no need of anie, but since Crimes prevail governmt is made necessarie by man's degeneraon; Itt's not an end but a means; hee yt thinks itt an end aims att profit to make a trade on't. He who thinks itt to be a means understands ye true end of governt. Friends, away w^t all pties, & Look on yorselves & what is good for all, as a bodie politick, first as undr ye king & Crown of England, & next as undr me, by Lres patent from yt Crown. Att ye Late election att philadelphia, I was grieved to hear some make it a matter of religion; no its humane & moral relating to trade, traffique & publick good consisting in virtue & justice; where these are maintained there is government indeed. Study

peace, & be att unitie cy ye good of all, & I desire to see mine no otherwise than in ye publick's prosperitie. The last Ass. wee made 2 Laws, the one agt piracie, ye other agt forbidden trade. I hear they have not satt easie on ye backs of some, but I hope, wee haveing yrin been carefull of England, wee shall have thanks for making ym before wee had orders so to do, and after so manie calunnies & complaints wee have been Loaded with, I hope these two Laws will in some degree wash us clean; what concerns myself I also Leave wt you to Consider. I have now been 19 years yor pror & Governor, & have att my chairge maintained my deputie, qrbv I have much worsted my estate, & hope itt will be no wonder to any to hear me make this Lection of itt. Some say I come to gett monie & be gone, phapps they that say so, wish itt so. I hope I or mine shall be wt you, while I or they Live—The disasters of my absence have been mine as well as yorus, & as I'm used shall make suteable returns. I have latelie two packetts from Whitehall, an original & a duplicate; also one to my Cosen Markham, & two from Secrie Vernon, & am Comanded by ye Lords Justices to make Laws agt piracie & illegal trade. I am glad wee have prevented their Commands in doing it before they came.

Mar. 30, 1700.

Speech to the Assembly Referring to His Approach-
ing Departure.

YOU CANNOT BE MORE CONCERNED THAN I am at the frequency of your service in assembly, since I am very sensible of the Trouble and Charge it contracts upon the Country: But the motives being Considered, & that you must have mett of Course in ye next month, I hope you will not think it vexatious now.

The reasons that hasten your session is the necessity

I am under, through the Endeavours of the Enemies of the prosperity of this Country, to go for England, where taking the advantage of my absence, some have attempted by false or unreasonable Charges to undermine our Govmt, and thereby the true value of our Labours & Property: Governmt having been our first encouragement.

I confess I cannot think of such a Voyage without great Reluctancy of mind, having promised myself the quietness of a Wilderness, and that I might stay so long at least with you as to render every body entirely easy and safe; for my heart is among you as well as my body, whatever some people may please to think, and no unkindness or Disappointment shall, with submission to God's Providence, ever be able to alter my Love to the Country and Resolution to return & settle my family and posterity in it; but having reason to believe I can at this time best serve you and myself on that side of the water, neither the rudeness of the season nor tender Circumstances of my family can over rule my Inclination to undertake it.

Think, therefore, since all men are mortal, of some suitable expedient and Provision for your safety, as well in your Privileges as Property, and you will find me ready to Comply with whatsoever may render us happy, by a nearer Union of our Interest.

Review again your Laws, propose new ones that may better your Circumstances, and what you do, do it quickly, remembering that the Parliament sits the end of the next month, and that the sooner I am there the safer. I hope we shall all be here. I must recommend to your serious thoughts & Care the King's Letter to me, for ye assistance of N. York with three hundred and fifty pounds sterlg, as a frontier Governmt & therefore exposed to a much greater Expense in proportion to other Colonies; wch I called the last Assembly to take into their Consideration and they were pleased, for the reasons then given, to refer to this.

I am also to tell you the good news of the Govr of N. York's happy Issue of his Conferences with the five nations of Indians, that he hath not only made peace with ym for the King's subjects of that Colony, but, as I had by some Letters before desired him, for those of all other governments under the Crown of England on ye Continent of Amca, as also the nations of Indians within those respective Colonies, wch Certainly merits our acknowledgments.

I have done when I have told you that Unanimity & Dispatch are the Life of business, & that I desire & expect it from you for your own sakes, since it may so much Contribute to the Disappointment of those that too long have taught the ruine of our young Country.

15th 7th Mo., 1701.

Letter to the Assembly Concerning Certain Requests
and Propositions Made by It.

TO THE FIRST PROPOSAL,

I shall appoint those in whom I can confide whose powers shall be sufficient and Publick for the Security of all Concerned; and I hope they shall be of honest Character, without Just Exception, to do that which is Right between you and me.

To the Second,

Much of it is Included in my answer to the first, however I am willing to Execute a Publick Instrument or Charter, to secure you In your Propertys, according to Purchase and the Law of Property made lately at New Castle, Excepting some Corrections or amendments absolutely necessary.

To the third,

I know of no willfull Delays and shall use my Endeavours to prevent any for the future. & am very willing to allow the Ten acres per cent for the ends proposed by Law, & not otherwise.

To the fourth,

I am willing that reasonable fees to officers shall be ascertained by Law, or their Services left to a Quantum Merit; for I hope you do not think they should be maintained at my Charge.

To the fifth,

I know of no person that has been obliged to answer before the Govr and Council In such Cases, but I conceive that Disputes about unconfirmed Properties must lye before ye Proprietor, tho' not before his Council as Judges.

To the Sixth,

The Records Concern me as well as the People, and are and shall be in hands of men of good fame and to keep them only during good behaviour; but those of the County of Philadelphia, that Chiefly Concern the People, are in so great disorder by Razures, blots and Interlineations, that you would do well to use some method in time for their Rectification.

To the Seventh,

If the Jamaica Law will Improve our Regulacon as it does augment the fees I am Content that we Copy after it.

To the Eighth,

You are under a mistake in fact, I have Tyed you to nothing in the alotment of the City which the first purchasers then present did not readily seem to comply with; and I am sorry to find their names to such an address as that presented to you, who have gott Double Lotts by my Replotment of the City from 50 to 102 foot front Lotts, and if they are willing to Refund the 52 foot, I shall, as you desire, be easy in the Quitt rents, although this matter solely Refers to the first Purchasers & to me as Proprietor.

To the Ninth,

You are under a great mistake to think that a fourth part of the Land laid out for a City belongs to any body but myself. It being reserved for such as were not first

purchasers who might want to build in future time; and when I reflect upon the great abuse done me in my absence by Destroying of my Timber and Wood, and how the Land is over Run with brush, to the Injury and Discredit of the Town, It is small Encouragement to Grant your Request; however I am Content that some Land be laid out for the accommodation of the Town, till Inhabitants present to settle it under the Regulations that shall be thought most Conducing to the End desired, about which I shall Consult with those persons chiefly Concerned therein; & for the rest of the 9th Article about the Islands, I know not which you mean nor on what Terms desired, It being an Independent property from ye Town and Province.

To the 10th about the ends of Streets and other public Landings of this Town.

I am willing to Grant the ends of Streets where and when Improved, and the other, according to your Request.

To the Eleventh,

I am Content that no Licenses shall be granted to any Ordinary Inn Keepers but such as the Justices shall recommend, nor suffer them longer than the Magistrates find they behave well.

To the Twelfth,

I do not understand it. For I have no Letters of feoffment, but Deeds which were Recorded by Ephraim Harman at New Castle, & by Jno. West to the best of my memory at New York, and Since Confirmed by the Order of Council for the time, as well as otherwise.

To the Thirteenth,

I think this an unreasonable Article either to Limit me in that which is my own or to deprive me of the benefitt of Raising in proportion to the advantage which time gives to other men's propertys, and the rather, because I am yet in Disburse for that long and Expensive Controversy with the Lord Baltimore, prom-

ised to be defrayed as appears by the minutes of Council, by the publick.

To the fourteenth,

I allow it, according to what I lately Express at New Castle, and it is not my fault it has not been done sooner.

To the fifteenth,

According to their own proposals at New Castle, I shall gratify their desire, vizt: that the same Revert to me after a Certain time If not improved.

To the Sixteenth,

This I take for a high Imposition, however I am willing that they all lye in Common and free untill otherwise disposed off; and shall grant the same from time to time in reasonable Portions and upon reasonable Terms, Especially to such as shall Engage to dreign and improve the same; always having a Regard to back Inhabitants for their Accommodations.

To the Seventeenth,

I cannot well understand it, therefore it must be explained.

To the Eighteenth,

It is my own Inclination, and I desire the Representatives of New Castle and Chester forthwith or before they leave the Town, to attend me about the time and method of Doing it.

To the Nineteenth,

They shall have Liberty to fish, fowle and hunt upon their own Land, and on all other lands that are mine untaken up.

To the Twentieth,

If it should be my Lott to Loose a Publick Support, I must depend upon my Rents for a supply, and therefore must not Easily part with them; and many years are elapsed since I made that offer that was not accepted.

To the Twenty-first,

I agree that the Law of Property made at New Castle

shall be inserted in the Charter with Requisite amendments.

29th July, 1701.

To the Assembly Advising a Conciliatory Policy.

FRIENDS:

Your Union is what I desire, but your Peace and accommodation of one another is what I must expect from you. The Reputation of it is something, ye reality much more; & desire you to remember & observe what I say; yield in Circumstantial to preserve Essentials, and being safe in one another you will always be so in Esteem with me; make me not sad now I am going to leave you, since tis for you as well as for.

Your ffrd, Proprietor & Govr,

W. P.

15th October, 1701.

Concerning Certain Allowances upon Land.

FRIENDS:—COMPLAINT HAVING BEEN
made that some persons had not the benefit of Law of New Castle, with respect to the allowances of 10 acres p. cent., I consented to allow the said ten acres per cent. according to the sd Law, but never intended to make myself Debtor for those deficiencies which were not to be had; and understanding that you look upon that Law unequal, as giving to some 10 p. cent. where there is overplus, and but two p. cent. upon survey'd Lands where no more is to be found, I am therefore willing to allow or make good 6 p. cent. to all persons, as well to those who want as to those who do not want the same, upon a Resurvey.

25th October, 1701.

The Charter of Privileges to the Province & Counties.

WILLIAM PENN, Proprietary & Governr of the Province of Pennsylvania & Territories thereunto belong.

TO ALL TO WHOM THESE PRESENTS SHALL come, sendeth Greeting:

WHEREAS, KING CHARLES THE SECOND, by his Letters Patents under the Great Seale of England, bearing date the fourth day of March, in the year One Thousand Six hundred & Eighty, was Graciously pleased to Give and Grant unto me, my heirs & Assigns, forever, this Province of Pennsylvania, with Divers Great Powers and Jurisdictions for the Well Government thereof; and whereas the King's Dearest Brother, James, Duke of York and Albany, &c., by his Deeds of feoffment under his hand & Seal, duly perfecting, bearing Date the Twenty-fourth Day of August, One thousand Six hundred Eighty & two, Did grant unto me, my heirs and Assigns, all that Tract of Land now Called the Territories of Pennsylvia, together with Powers and Jurisdictions for the good Government thereof; AND WHEREAS, for the Encouragement of all the freemen and Planters that might be Concerned in ye said Province and Territories, and for the good Government thereof, I, the said Willm. Penn, in the year One Thousand Six hundred Eighty & three, for me, my heirs and assigns, Did grant and Confirm unto all the freemen, Planters and adventurers therein, Divers Liberties, franchises & Propertys, as by the said Grant Entituled the FRAME of ye GOVERNMENT of the PROVINCE of PENNSYLVANIA & TERRITORIES thereunto belonging, in AMERICA, may appear; which Charter or fframe, being found in some parts of it not so suitable to ye Present Circumstances of the Inhabitants, was in the third month, in the year One thousand seven hundred, Delivered up to me by six parts of seven of freemen of this Province and Territories, in

General Assembly mett, provision being made in the said Charter for that end and Purpose; AND WHEREAS, I was then pleased to promise that I would restore the said Charter to them again with necessary alterations, or in Liew thereof, Give them another better adapted to answer the Present Circumstances & condition of the said Inhabitants, which they have now, by their Representatives in General Assembly mett at Philadelphia, Requested me to grant; know ye therefore that I, for the further well being and good Govrmt of the said Province and Territories, and in Pursuance of the Rights and Powers before mentioned, I, the said WILLIAM PENN, do Declare, grant and Confirm unto all the freemen, Planters and adventurers, and other inhabitants in this Province and Territories, these following Liberties, franchises and Privileges, so far as in me lyeth, to be held, enjoyed and kept by the freemen, planters & adventurers, & other Inhabitants of and in the said Province and Territories thereunto Annexed, forever;

FIRST: Because no people can be truly happy, though under the greatest Enjoyment of Civil Liberties, if abridg'd of the freedom of their Consciences as to their Religious profession & Worship; and Almighty God being the only Lord of Conscience, ffather of Lights and Spirits, and the author as well as object of all Divine Knowledge, ffaith and Worship, who only doth Enlighten the Mind & perswade and Convince the Understandings of People, I do hereby Grant and Declare that no person or persons, inhabiting in this Province or Territories, who shall Confess and acknowledge one Almighty God, the Creator, upholder and Ruler of the World, and Profess him or themselves obliged to Live Quietly under the Civil Government, shall be in any case molested or prejudiced in his or their person or Estate because of his or their Consciencious perswasion or Practice, nor be Compelled to frequent or maintain any Religious Worship, place or ministry

contrary to his or their mind, or to do or suffer any other act or thing Contrary to their Religious perswasion. And that all persons who also profess to believe in JESUS CHRIST the SAVIOUR of the World, shall be Capable (notwithstanding their other perswasions and Practices in Point of Conscience & Religion) to serve this Governmt in any Capacity, both Legislatively and Executively, he or they Solemnly promising, when Lawfully required, allegiance to the King as Sovereign, and fidelity to the Proprietor and Governour, and Taking ye attests as now Established, by the Law made at New Castle, in the Year One Thousand seven hundred, Intitled an act Directing the attests of several officers and ministers, as now amended and Confirmed by this present Assembly.

SECONDLY: for the well governing of this Province and Territories, there shall be an Assembly Yearly Chosen by the freemen thereof, to Consist of four persons out of each County of most note for Virtue, Wisdom & Ability, (or of a greater number at any time as the Governour and Assembly shall agree,) upon the first day of October, forever; and shall sitt on the fourteenth day of the said month, at Philadelphia, unless the Governour and Council for the time being shall see Cause to appoint another Place within the said Province or Territories, which assembly shall have power to Choose a Speaker and other their officers, and shall be Judges of the Qualifications and Elections of their own members, sitt upon their own adjournments, appoint Committees, prepare bills in or to pass into Laws, Impeach Criminals and Redress Grievances; and shall have all other powers and Privileges of an Assembly, according to the Rights of the free born subjects of England, and as is usual in any of the King's Plantations in America. And if any County or Counties shall refuse or neglect to Choose their Respective Representatives, as aforesaid, or if Chosen do not meet to serve

in Assembly, those who are so Chosen & mett shall have the full power of an Assembly, in as Ample manner as if all the Representatives had been Chosen and mett: Provided, they are not less than two thirds of the whole number that ought to mett; And that the Qualifications of Electors & Elected, and all other matters and things Relating to Elections of Representatives to serve in Assemblys, though not herein particularly Express, shall be and Remain as by a Law of this Govrmt, made at New Castle in the year One thousand seven hundred, Intituled an Act to ascertain the number of members of Assembly, and to Regulate the Elections.

THIRDLY: that the freemen in each Respective County, at the time and place of meeting for Electing their Representatives to serve in Assembly, may, as often as there shall be occasion, Choose a Double number of persons to present to the Govr for Sherifs and Coroners, to serve for three years, if they so long behave themselves well, out of which Respective Elections & Presentments The Govr shall nominate and Commissionate One for each of the said officers. The Third Day after such presentment, or else the first named in such presentment for Each office, as aforesaid, shall stand and serve in that office for the time before Respectively Limited; and in case of death or Default, such vacancies shall be supplied by ye Governour to serve to the End of the said Term: PROVIDED always, that if the said freemen shall at any time neglect or Decline to Choose a person or persons for Either or both the aforesaid offices, then and in such Case the persons that are or shall be in the Respective offices of Sherif or Coroner at the time of Election, shall remain therein untill they shall be Removed by another Election, as aforesaid. And that ye Justices of the Respective Counties shall or may nominate & present to the Govr, three persons to serve for Clerk of the

Peace for the said County when there is a vacancy, One of which the Governour shall Commissionate within Ten Days after such presentment, or else the first nominated shall lserve in the said office During good behaviour.

FFOURTHLY: that the Laws of this Govermt shall be in this stile, vizt: [By the Governour, with the Consent and approbation of the freemen in General Assembly mett,] and shall be, after Confirmation by the Governour, forthwith Recorded in the Rolls office, and kept at Philadia, unless the Govr and Assembly shall agree to appoint another Place.

FIFTHLY: that all Criminals shall have the same Privileges of Witnesses and Council as their Prosecutors.

SIXTHLY: That no person or persons shall or may, at any time hereafter, be obliged to answer any Complaint, matter or thing Whatsoever Relateing to Property before Governr and Council, or in any other place but in the ordinary Courts of Justice, Unless appeals thereunto shall be hereafter by Law appointed.

SEVENTHLY: That no person within this Governmt shall be Licensed by the Govr to keep Ordinary, Tavern, or House of Publick Entertainment, but such who are first Recommended to him under the hand of the Justices of the Respective Counties, signed in open Court, wch Justices are and shall be hereby Impowered to suppress & forbid any person keeping such Publick House, as aforesaid, upon their misbehaviour, on such Penalties as the Law doth or shall direct, and to Recommend others from time to time as they shall see occasion.

EIGHTHLY: If any person, through Temptation or melancholly, shall Destroy himself, his Estate, Real & Personal, shall, notwithstanding, Descend to his wife and Children or Relations as if he had Died a natural Death; and if any person shall be Destroyed or kill'd

by Casualty or accident, there shall be no forfeiture to the Governour by Reason thereof; And no act, Law or Ordinance, whatsoever, shall at any Time hereafter be made or done to alter, Change or Diminish the form or effect of this Charter, or of any part or Clause therein, Contrary to the true Intent and meaning thereof, without the Consent of the Govr for the time being, and Six parts of Seven of the Assembly mett. But because the happiness of mankind depends so much upon the Enjoying of Liberty of their Consciences, as aforesaid, I do hereby Solemnly Declare, promise and Grant for me, my heirs and assigns, that the first article of this Charter, Relating to Liberty of Conscience, and Every part and Clause therein, according to the true Intent and meaning thereof, shall be kept and remain without any alteration, Inviably forever.

And LASTLY, I, the said William Penn, Proprietor & Govr of the Province of Pennsylvania and Territories thereunto belonging, for my self, my heirs and Assigns, have solemnly Declared, Granted and Confirmed, and do hereby Solemnly Declare, Grant and Confirm, that neither I, my heirs or Assigns, shall procure or do any thing or things whereby the Liberties in this Charter Contained and Exprest, nor any part thereof, shall be infringed or Broken; and if any thing shall be procured or done by any person or persons, Contrary to these presents, it shall be held of no force or effect.

IN WITNESS whereof, I, the said William Penn, att Philadia, in Pennsylvania, have unto this present Charter of Liberties sett my hand and Broad Seal, this Twenty Eight Day of October, In the Year of our Lord One thousand Seven hundred and one, being the thirteenth year of the Reign of King WILLIAM the Third, over England, Scotland, France and Ireland, &c., and in the Twenty first year of my Govrmt. And Notwithstanding the Closure and test of this present Charter, as aforesaid, I think fitt to add this following proviso

thereunto as part of the same, that is to say: that notwithstanding any Clause or Clauses in the above mentioned Charter, obliged the Province and Territories to Join together in Legislation, I am Content and do hereby Declare that If the Representatives of the Province and Territories shall not hereafter agree to Joyn together in Legislation, and if the same shall be signified to me or my Deputy, in open Assembly or otherwise, from under the hands and Seals of the Representatives (for the time being) of the province or Territories, or the major part of Either of them, any time within three years from the date hereof; That in such Case the Inhabitants of Each of the three Counties of this Province shall not have Less than Eight persons to Represent them in Assembly for the Province, and the Inhabitants of the Town of Philadia (when the said Town is incorporated) Two persons to Represent them in Assembly; and the Inhabitants of Each County in the Territories shall have as many persons to Represent them in a Distinct Assembly for ye Territories as shall be by them Requested, as aforesaid, Notwithstanding which seperation of the Province and Territories in Respect of Legislation, I Do hereby promise, Grant and Declare that the Inhabitants of both Province & Territories shall separately Enjoy all other Liberties, Privileges and benefitts Granted Jointly to them in this Charter; any Law usage or Custom of this Govrmt heretofore made & practised, or any Law made and passed by this General Assembly to the Contrary hereof, Notwithstanding.

Copia Vera.

WILLIAM PENN.

p. JOS. ANTROBUS,
Clerk of the Assembly.

This Charter of Privileges being Distinctly Read in Assembly, and the whole & every part thereof being approved of and agreed to by us, we do thankfully Receive

the same from our Proprietor & Govr, at Philadelphia,
This Twenty Eight Day of October, 1701.

Signed on behalf and by order, of the Assembly
p. JOS. GROWDON, Speaker.

Commission to the Council.

WILLIAM PENN, TRUE AND ABSOLUTE PROPRIETARY & Governour in Chief of the Province of Pennsylvania and Territories thereunto belonging:



To all to whom these Presents shall
Come, sendeth Greeting:

Know ye that I have nominated, appointed and ordained my trusty and Well beloved friends, Edwd. Shippen, Jno. Guest, Samuel Carpenter, William Clark, Thos. Story, Griffith Owen, Phineas Pemberton, Samuel Finney, Caleb Pusey and Jno. Blunston, to be my Council of State for the Govrmt of the said Province of Pennsylvania, and Counties Annexed, of whom any four shall be a Quorum, to Consult and Assist, wth the best of their advice & Council, me or my Lieutenant or Deputy Governor for the time being, in all Publick affairs and matters relating to the said Govrmt, and to the Peace, safty and well being of the People thereof, and in the absence of me and my Lieut. out of the said Province & Territories, or upon my Lieuts Decease or other incapacity, I do by these Presents give and Grant to the said Edward Shippen, Jno. Guest, Samuel Carpenter, Willm. Clark, Thos. Story, Griffith Owen, Phineas Pemberton, Samll. Finney, Caleb Pusey and John Blunston, or any five of them, to Exercise all

and Singular the powers, Jurisdiction and authorities whatsoever, to me & my heirs, by Vertue of the Royal Charter or Letters Patent of King Charles the Second, given and Granted, that are or shall be necessary for the well governing of the said Province and Territories, and for the Administring, Maintaining & Executing of Justice, & providing for the safty and well being of the said People during such absence, they and each of them, the said Edwd. Shippen, Jno. Guest, Samll. Carpenter, William Clark, Thos. Story, Griffith Owen, Phineas Pemberton, Samll. Finney, Caleb Pusey and Jno. Blunston, to Continue in Place till my further order shall be known: and I do further hereby grant to my Litt. Govr for the time being, full power and authority, upon the Decease or removal of any of the said Council, to nominate and appoint others to serve in their place & Stead, also to add to the number of Council now appointed, and to appoint a president of ye said Council, when and so often as my said Lieut. shall see Cause; and in Case he shall not appoint a President, then the first named, or the next to him shall and is hereby impowered to take the Chair.

Given under my hand and great Seal of this Province, at Philadelphia, the Twenty Eighth of October, in the Thirteenth year of the Reign of King William the third, over England, &c., and the One & Twentieth of my Government.

Annoq Domini 1701.

WILLIAM PENN.

Concerning the Relief of One William Howston, held in Custody for Non-payment of a Bond to Marry according to the Method of the Church of England.

WILLIAM PENN, PROPR. GOVR. IN CHIEF OF
the Province of Pennsylvania. and Counties of
New Castle, Kent & Sussex, upon Delaware.



To Coll. Charles Gookin, my Ltt. Governour in the said Province and Counties, & the Council of the same, Greeting:

Whereas, I have been given to understand by the Petition of Anthony Howston, that one Wm. Howston, brother of the Petitr., became bound with one Thos. ffrench to your immediate predecessor, Coll. John Evans, in the Penalty of Two Hund'd. pounds, money of England, Conditioned that if the said Thos. ffrench was married according to the method used in the Church of England, in pursuance of a Certain marriage License granted by the said Coll. Evans for that purpose; Then the sd. Obligacon to be void, or else to stand in full force. And Whereas, the said Thomas ffrench, as it was suggested some time after, was married by a Presbyterian ministr. after the method used in their Congregations, as he Lawfully might be, as well by Virtue of the Act of Tolleracon in Engld. as by the law of Liberty of Conscience in Pennsylvania. Therefore, the said Coll. Evans put the said bond in suit, obtained a Judgment, & had Execucon awarded against the body of the said Wm. Howston, which was Executed, and he is now in Custody, as it is said for Non payment of the said Penalty to the said Coll. Evans. But for as much as this seems to me to be inconsistent with the fundamental Constitution of my Province & of Liberty of Conscience, the great Inducement to most of the

people to settle the same, & may prove a means, if Countenanced, to Detard & hinder many families hereafter to Transplant themselves amongst us, when Liberty of Conscience they hear has been Infringed in so main a branch. I do, therefore, by these presents, as far as in me Lys, Give, grant & Release, and have hereby given, granted, and Released unto the said Wm. Howston, his Heirs, Executors, administrators & assigns, the sd. Bond summ of money, Penalty & Judgment, & execucon so had awarded & Executed agst. him & upon him the said Wm. Howston as aforesaid, authorizing & requiring you the sd. Coll. Gookin & the Council, by all Lawful ways & means to free, deliver & sett at Liberty, or cause to be freed, Deliver'd out of Prison, and sett at full Liberty from the Execution & Judgment aforesd., the said Wm. Howston, as also to Cancel, make void and Deliver up the said Bond if in being, & to be found to the intent, that the proceedings aforesaid may not be made use of as a president, or put in practice again to the prejudice of the Religious Liberties of any of the Inhabitants in my Government; Which I will always to the utmost of my power preserve & Inviolably maintain; and further, it is my mind that you give Directions that all Publick Bonds be taken in my own name, and made payable to me, Except in those Cases wherein the Law Directs ye Contrary; fail not of Executing the Premises, for which this shall be your sufficient Warrant & discharge.

Given under my hand and Seal at London, the Eighth & Twentieth day of ye second month called April, In the year of our Lord, 1709.

WM. PENN.

JOHN BLACKWELL.
Lieutenant Governor.
1688-1690.



Chapter IV.

JOHN BLACKWELL.

Lieutenant Governor,

1688-1690.

NO SUITABLE PERSON OF THE SOCIETY OF Friends being available, Penn determined to entrust the administration of his provincial matters to a man of affairs outside of the Quaker fold. Captain John Blackwell, at one time an officer under Cromwell, and a man with a reputation "in England and Ireland, for ability, integrity and virtue," was commissioned as Deputy Governor. The most important feature of his administration was his attempt to organize a provincial military establishment, an effort which struck horror to the Quaker heart and insured his early downfall, which occurred after a year of dissension and re- crimination, extending from December 1688 to January 1690.

Order for the Election of Members of the Council in
Place of John Eckley and Samuel Richardson.

JOHAN BLACKWELL, ESQR., GOVERNOR OF THE
Province of Pennsylvania & Counties annexed,
Under the Honble William Penn, Lord Proprietor
and Chief Governor of the same, & His Heirs.

To John Claypoole, High Sheriff of the County of
Philadelphia, sendeth Greeting:—

Whereas, it has appeared to ye Provinciall Councill,
by your return of Elections made the Eleventh day of
the first month, commonly called March, bearing date
the 29th day of the first month, 1689, That a great
number of Persons having mett in Philadelphia for the
Election of one person for a member of Provinciall
Councill, and six for assembly, amongst which were
about 50 or 60 persons of the Township of Haverford
& Radnor, &c., who were supposed not to belong to the
County of Philadelphia; Yett they then gave their
Vote by Ballott, with ye Freemen of the sayd County;
Whereupon the sayd Election was by the sayd Councill
resolved not to be a good Election, according to the
Charter and rules in that behalfe, although they could
not but approve of the sayd Jno Eckley as a worthy
and fitt person: And whereas, Samll Richardson, a
late member of the sayd Provll Councill, through his
great misdemeanor, as well towards the Honble Pro-
prietor, in contemning & denying his authority, as
towards the present Governr under him and his Heirs,
Insolently denying him to be Governr, and that the Pro-
prietor could not make a Governr and other wrath full
and outrageous words, deportmt & carriage of his, in
view of the Councill sitting for mannagmt of the affayrs
of the Governmt, wch occasioned the Vote and resolve
following to be past against him on the 25th day of the
last 12th month, vizt: that the words & Carriage of the
sayd Samll Richardson were unworthy and unbecoming

a member of ye Councill to the Goverr, and that he ought to acknowledge his offence and promise more respect and heed for the future, before he be allowed to sitt againe in Councill: and whereas, he, the sayd Samll Richardson, persisting in his obstinacy, hath not to this day either acknowledged his sayd offences, or promissed more respect or heed for the future, but declared himself, he cared not whether ever he satt there more again: And whereas there is a present need of the full number of members to serve for provinll Councill, as by Charter is required for preparing bills to be past into Laws, and other Weighty matters:

These are therefore by his Majtys authority, and in the name of the Honble Lord Proprietor and Chief Governor, to will and require you to give as Speedy and timely notice as may be to the Freemen Inhabitants within your County capable of Electing, That they meet at the usuall place of meeting for such purposes, on the eighth day of this instant month, comonly Called April, between the hours of nine & Eleven, then and there to Elect and Choose from amongst themselves Two persons, of whom they have had experience for their approved fidelity, Virtue, Wisdom, Ability and Peaceable demeanor, to serve in the sayd Provll Councill, Vizt.: either by confirming the sayd Jno Eckley, or choosing some other whom they shall think fitt in his stead, for the terme of Three years; and whom else they shall think fittest to serve in the stead of ye sayd Samll Richardson, for the remaining Space of two years of the three for which he was Chosen; and that you make due returne thereof to the Govrr & Provll Councill, for which this shall be your Warrant. Given at Philadelphia, the 2d day of the Second month, in the 5th year of the Reign of King James the Second of England, &c., and ninth of the Proprietor's Governmt in and over this Province, &c., anno Dom. 1689.

Inaugural Address to the Assembly.

Philadelphia, 14th of ye 3d month, 1689.

WORTHY FRIENDS AND GENT.—

This being ye first opportunity of your appearing together in this Assembly since my arrivall, I hold it necessary in a few words to informe you of my errand amongst you.

Having received a Comission from the Honble William Penn (the true and absolute Proprietary & Chief Govr) for ye Governmt of this Province & Counteys annexed, under him & his heirs, I undertook ye journey from Boston in New England, hither, about the latter end of ye last ninth month, and upon my arrivall presented myselfe to those whom I found in authority, giving them a view of my Comission; (who voted their acquiescing therewith,) and being thereby referred (for my instructions & guidance) to their Comissions, & such instructions as ye Proprietor had formerly given them, and ye Laws of this Province which he had past, I requested a view of them; and thenceforth made it my study to become instructed in my duty by them, and have accordingly acted to ye best of my understanding. But, It has been my great unhappiness to meet with unexpected opposition therin.

Gent., I shall not apologize for myself further than by telling you:

1. That I Sought not to Rule over you; It was from ye meere good will & pleasure of ye Honble Proprietor, (my worthy friend,) and I hoped it would have ended before this time.

2. That Being Resolved of undertaking it for a time, I also designed to do it with all imaginable respect to him & yourselves.

3. That I endeavored so to demean myself therin as I doubt not (when my master shall receive the accot of what has past since my arrivall) it will be sufficiently

evidenced, That I have acted according to my Commission & instructions from him.

4. That in Expectation of his arrivall, (wch God grant suddainly, if it be his will,) I shall wayt for my vindication against ye malevolence of my opposers.

I suppose you have been formerly acquainted with ye reasons & necessity of ye Proprietor's absenting himself so long from you, as till the late Revolutions in England. He hath frequently evidenced his strong desire above all things to be restored to you.

What hath hinderd of late we have from divers Reports of things transacted in England, wch require we should wayt for their being renderd more certaine; and in the mean time strive in our prayers, That the Lord who Govrs this universe will do it in wisdome and Good will towards all his suffering people, and ourselves in pticular.

I suppose, Gent., You expected some bills should have been sent downe to you from yr Provll Councill, for yr Consideration before your coming up & passing them into Laws at this meeting.

Divers reasons may be given why none were. I shall acquaint you with some of them, Vizt:

1. The Honble Proprietor (for reasons known to himself) hath given possitive directions for letting all the Laws drop or fall, Except the fundamentalls. And afterwards, for calling together the Legislative authority to passe such of them, or others, as they should think fitt, for the future: (wch is my full intention to do.)

2. The Honble Proprietor being by his patent from the King, authorized by himselfe & his heirs, &c., (with consent of ye freemen,) to make, and (under his seale) to publish necessary Laws for ye good of the people; (wch had never been done, with all requisit circumstances, whilst himself was here, and without wch I much doubt whether what were past, or should hereafter be past, have that due sanction or establishmt wch

Laws require;) and finding the Great Seale, under which they should passe, was not to be had, (the Keeper thereof refusing to allow the use of it in any cases, by my direction,) I therefore looked upon it as labour in vayne now to attempt it.

3. The present posture & alteration of affayres in Engld, The uncertainty touching ye Condition of ye Proprietor himself and his power; and ye fears of what danger might ensue, as well to him as to our selves, in passing & confirming laws of such a nature as would have been approved of in this conjuncture of affayrs, forbad it.

4. The animosities and dis-sentions wch were here amongst you before I came, and have been lately Revived amongst the members of ye Provll Councill, by ye indeavor of some; as to their proceedings yt service hinderd their agreemt in Councill as to doing any thing, In so much as I was constrayned for Love & peace sake, upon that and ye other foregoing considerations, to dismisse them from further attendance on yt account.

5. An expedient occur'd to me of Lesse danger to us all, Vizt: That I being by my Comission as aforesd, Referd for my Rule & instruction to ye Laws then in being, & wch had been (as well by the Proprietor as ye people,) approved & owned as such whilst he was amongst you here, and observing yt he had Reserved ye Confirmation & disannulling of what Laws should be made in his absence to himself, so that if any were or should be proposed, they could not take effect among us as laws till his pleasure should be therein declared, I came to a Resolution within myself, of observing them in ye Course of my Governmt as to many Rules & instructions given me by my Master, (as farr as I should finde or judge them not contrary to ye Laws of Engld,) and of supplying ye defect or want in yr Laws by ye Laws of England; wch I believe will be most gratefull

to Our Superiors in England, Especially at this time; and will be as usefull amongst ourselves; there being no other way (occurring to my understanding) whereby you may receive ye benefit of them. And in this purpose I remayne Steady, (Unless you shall otherwise advise,) untill by better information out of Engld we shall be led out of these State-meanders.

Gent., I assure you that I will (as farr as I judge I may with a good conscience) manage myself in Governing you agreeably to yr Charter from ye Proprietor, & the Rules & instructions of your Laws; (if I may be suffered to do;) and where they are defective, according to ye Kings Letters Pattents, having a due regard to your Principles, (as I am instructed by my Master,) till God shall be pleased otherwise to direct & cleare our way to us all; whose duty it is (as becomes Christians) in all things to attend & readily comply with his will. I say I will (as farr as I judge I may with a good conscience) so manage myselfe in Governing you, &c.

Thent Gent. Let reason & not passion or prejudice, (through any mis informations,) influence you. I pray God direct us all therin; That we may in this our day, know the things that make for our peace; Least they be hidden from our eyes and wee (too late) Repent & say, we were advised but understood it not.

I assure you nothing shall be wanting on my part, wherein I may justify a compliance with any thing you shall reasonably desire. But I expect ye same Liberty & exercise of my judgmt & conscience as you do. I am sure you will Expect no more from me, for I take it for granted, this is a fundamentall Rule with every one of you, To do to others as you would they should do to you. When I fayle to walk according to this Rule, My Master will not let me be any longer yr Governor.

Gent. I will only adde this, That as soon as we have certayne intelligence from Engld I will advertize you; and (if the Councill shall so advise) will call you to

gether, in order to your being as early in bespeaking the Countenance of ye Authority over us, to indulge us in our differences from others, as may be expedient, and will cordially joyn with you therein, if you shall desire it, That you may have as large privileges & exemptions as shall be judged reasonable to desire.

Now if these things I have sayd will not please you, I can say no more; but Go on and prosper in your owne Sentiments, and if you suffer by so doing, I shall be sorry your breach fell out in the time of my Government over you. But The will of God be done, with which I end at this time.

Concerning Rumours of Danger from ye french & Indians in conjunction with the Papists.

THE GOVR ACQUAINTED YE COUNCILL, THAT ye reason of his calling them together at this time was to minde them that there had been formerly severall Rumours of danger from ye french & Indians, in conjunction with ye Papists, for ye Ruine of the Protestants in these parts, and of ye alarme formerly given, as if 9 thousand french & Indians were then neare approaching for yt purpose, upon wch ye Justices and Sheriff's of ye two Lower Countyes, with ye people therof, had betaken themselves to arms for their defence; wherof he then gave ye Councill an account, from ye Letters he recd out of ye sd Countyes: as also, of a Letter he had recd from one Capt Le Tort, (a frenchman, living up in the Countrey,) agreeing therewith; which they did not see any reason to give heed unto: And further, to acquaint them yt had lately recd a letter from Mr. Joshua Barkstead, out of Maryland, advertising there was sufficient proof that ye Papists in Maryland had been tampering with ye french & Northern

Indians, to assist them to cutt off ye Protestants, or at least to reduce them to ye See of Rome, &c., which Letter was read in Councill; adding an account thereto of ye Cruelties and barbarous usage of ye french Indians upon ye people of New England; murdering about 100 persons, burning houses, & plundering ye people of their goods & Cattell, &c., and (using ye Proverb) that there was no smoak without some fyre. That these things might be Expected to come suddanly upon us, as well as our neighbours. That his Office was to be their watchman, & he durst not conceale the Knowledge of these things. Without acquainting them & receiving their opinions & advices what was fitt to be done therin for their security, and setting the mindes of ye People, who in some places (pticularly in New Castle.) upon the apprehension of feare from these things, had been very much disquieted & taken themselves to arms, but were quieted by the Justices of that County residing amongst them. He also acquainted them, That divers of the inhabitants of New Castle had declared themselves unsatisfyed That King Wm. had not been proclaymed as in other Countyes, & that ye same had been signified to him by Mr. John Cann, By whom ye Govr sayed he had sent them word; he had not recd any orders for ye doing it, nor did he know in what manner or tearmes it was to be done, having never seen any proclamation for that purpose; and that he feared he might either Exceed or fall short of the titles ought to be given him, which would (he thought) be treason in either case; That he Expected ye first ship out of England would bring orders about it, and yt upon receipt therof, he would do as he should be directed. That having called ye Councill to advise him in these cases, he had nothing else to trouble them about at this time; but if any damage should happen to them for want of what informacord he had recd he knew he was responsible to ye King & state of England,

(to ye hazard of his life,) if ye Province should be invaded & lost out of his Majties Dominions: & Therefore, prayed they would be very Serious & Solemne in giving him their opinions & advices what they thought of these informations, and what they would have him do therin, for that he knew he could do nothing without their assistance, but suffer with them, which he feared was neare at hand, &c.

Wherupon ye Goveerr gave them thanks for so particularly & freely advising him, & told him he had nothnig further to occasion their stay at psent, unless they, or any of them, had any thing to impart from the respective Countyes fitt for psent Consideration. It being Replied by divers that they had not, he adjourned the Councill to meet at New Castle ye thenth day of ye nxet month, about some perticulars relating to that County & the adjacent neighborhood.

29th June, 1689.

Concerning a Letter from the Crown directing Preparation for War with the French.

THE GOVR ACQUAINTED THEM, [THE COUNCIL] that having adjourned the debte of the last meeting upon the Letter till this morning, He hoped they would now come to a resolution upon it. And in order to their better apprehending the true sense of the 7th Article or paragraph of the Charter of Libertyes, formerly read to them upon this Debate, (wherin it is sayd, That the Governor and Provinciaall Councill shall at all times have the care of the peace and safety of the Province), He Read unto them the Preamble of the two Acts of Parliamt passed in Engld, touching the King's sole & supream Right & power in & about the ordering of the Militia within all his Ma-

ties Realms & Dominions, the one past in the 13th year of the late King Charles the 2d, cap. 6, intitled, The Militia Declared to be in the King. The other in the 14th year of the same King, cap. 30, Intitled, For Ordering the Forces in the severall Countyes of this Kingdom. Wherin, amongst other things, It is Exprest That both or either of the houses of Parliamt can not nor ought to pretend to the same, &c. And observed and Argued thereupon, that if both the houses of Parliamt of England could not, much lesse could the Provinciall Councill of this Province clayme any Interest in ordering the militia when the King, by his Letters patents under the great seale, had deligated his power to the Proprietor and his heirs, to exercise the same in this Province.

The Govr also observed to them, that the Charter of Privileges granted by the Proprietor to the people, was limited and qualified by this expression in the preamble thereof, vizt: (so farr as in him lyeth,) and [according to the powers of the Patent.] And that by a law past in this Province, Intitled an Act of Settlement, This clause is conteyned, vizt: Be it inacted by the authority aforesd, That the Govr & Provinciall Councill shall have power of preparing & proposing to the Genll. Assembly, All such bills which they shall joyntly assent to & think fit to have past into Laws, in the sayd Province & territoryes therof, that are not inconsistent with, but according to the powers granted by the Kings Letters Patents to the Proprietary & Governor, So that he conceived It was not in the Proprietor's Power to subject or Expose the King's Province to the hazard of being delivered up or lost to any invaders what so ever: And that therefore the sayd 7th Article of the Charter of Privileges ought not to be so construed as that the Governor without the Councill, could not use Armes for its Defence. And that the King being sensible of danger approaching by the ffrench, had Ordered

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in his Letter aforesayd, that the Proprietor, and in his absence The Govr or Comander in chief of this Province, should have notice of his intended warr with France, That they might with all possible diligence take effectuall care for the opposing and resisting any attempt of the French upon this, his Ma'ties Province of Pensilvania, &c.

That this could not be done by the Proprietor's or Govrs owne hands, but needed the advice & assistance of the Council, & people inhabiting here. That the Constituting of the Proprietor & his heirs by his Ma'ties Captain Genll, with powers, by themselves or their Captains, or other their officers, To Levy, muster and trayne all sorts of men, of what condition or where so ever born, in the sayd Province, for the time being, and to make warr & pursue his enemyes, &c., And to do all and every other thing wch unto the charge & office of a Capt. Genll of an Army belongeth, or hath accustomed to belong, as fully & freely as any Capt. Genll. of an Army hath ever had the same, (wch are the Expresse words of the King's Grant and were read unto them,) implyeth a great confidence his Maty Reposed in the Proprietor; and also, a Condition of ye Grant of the Province; and a faylor herin might prove a forfeiture. Especially, for that the King hath been pleased to give notice of the danger to the Proprietor, Which though perhaps we could not see, we were to believe, and give his Maty thanks that he is pleased to be so mindfull of our security, and to notify to us our danger, in order to our providing against it.

The Govr also recited to them a further clause in his late Matys sayd Lrs. Pattents, to this purpose, vizt: And for as much as in Governmt of so great a Contrey, suddain accidents do often happen, whereunto it will be necessary to apply remedy before the freeholders of the said Province, or their deligates or deputies, can be assembled to the making of Laws: Neither will it

be convenient That instantly upon every such imergent occasion, so great a multitude should be called together: Therefore, ffor the better Governmt of the sayd Contrey, We will and Ordayne, And by these presents, for us, our heirs and Successors, do Grant unto the said William Penn and his heirs, by themselves or by their magistrates & officers in that behalf, duly to be ordayned as aforesaid; To make and Constitute fit and wholesome ordinances from time to time within ye sayd Contrey, to be kept and observed, as well for the preservation of the peace as for the better Governmt of the people there inhabiting, and publicuely to notify the same to all persons whom the same doth or may any wayes concerne, which Ordinances our will & pleasure is, shall be observed inviolably within the sayd Province, under paynes therin to be Expressed, So as the sayd Ordinances be consonant to reason, and not repugnant nor contrary, but so far as conveniently may be, agreeable with the Laws of Our Kingdom of England: And so as the said Ordinances be not extended in any sort to binde, change, or take away the Right or interest of any person or persons, for or in their life members, ffreehold, goods or chattels.

The Governor also Proposed to them the Consideration of the care taken in all other his Maties Territoryes & dominions about the setling & ordering their Militias, and particularly the Laws past for that purpose in this Province & whilst it was united to New York and the Jarseys, under the Governmt of his late Royall Highness the Duke of York, before his Matyes Grant of this Province to the Proprietor, and that he could not tell how to answer the neglect of making due & necessary preparations for defence of the Province & people comitted to his Governmt; And upon the whole, prayed them They would be very serious & solemne in the debate & consideration of these matters: for that he must returne an answer of the letter & signify his proceedings

by the first opportunity of Conveyance. And for as much as at the last meeting of the Councill, It had been by some of them moved, (That since divers of them could not by their principles consent to or be active in the directing or ordering anything of this nature,) That they would cast it off from themselves and leave it to the Govrs discretion to give such answer to the said Letter, and to act therupon as was requisit, He Proposed this Question to be debated, vizt:

Whether it should be left to the Govrs discretion to pursue & put in Execution the King's directions signified in the sayd Letter, according to the clauses of powers given to the Proprietor in the Letters Patents from his late Maty. King Charles the second, of the Grant of this Province to the Proprietor, in order to the defence of this Province against the ffrench or any other invader of this Province & Countyes annexed, in all things as neare as may be according to the Laws of England and of this Province whilst under the Governmt of his late Royall Highness the Duke of York, &c.

4th Octobr., 1689.

Valedictory Address.

GENT. I HAD NOT CALLED YOU TOGETHER at this unseasonable time of ye year, had not the Extraordinary occasion which I shall acquaint you with all, Required it, wch is indeed such wherein as well as my owne interes, peace and Comfort, as your Contentment, are Concerned. I shall not Spend more time in Digressing or withholding the mutuall Satisfaction this meeting will afford us. Then I Judg necessary, (as introductive to ye Communicating of what I have upon me to Say unto you.)

My manner of Entrance and being received amongst you in this place is Knowne to Divers of you, and by what authority and Commission I was Constituted Govern of this Province, &c., under ye Absolute Proprietary & his heirs. I Tould you formerly, (at what time I began to be Sensible of some of your ill resentments of me,) that I sought not to be your Govern: But it arose frome ye mere good will and Pleasure of ye Proprietor to propose and require that Service of me, by his Comission sent me to new England, (with Instructions bearing date ye 12th day of ye 5o Mo., Called July, 1688,) which I have heard some of you have sayd 'twas but probationary. As I never looked upon it as an Inheritance, so I am Sure I Came on no other terms of my makeing or accepting then to doo you service at his Request, wch I have Diligently and faithfully (according to ye best of my understanding,) indeavored to manifest, my Conscience not upbrayding me, wch I shall willingly doe in any Capacity rather than this Highest.

I Came (indeed) with full purpose of Returning before ye advance of ye Last Summer's Season, but such has been ye state of Publick affayres as Ingenuity would not permitt me to leave ye trust Committed to me whilst my master was under any Evill Circumstances, (by ye Late revolutions,) without his ffree Consent and Directions about your future Settlement, wch I have now Received.

How uneasy my Continuance has been to some of you has been Represented to me by their writing; How burthensome to my selfe, my Spiritt has frequently dictated; my tongue has (perhaps) over Concernedly Expressed to others of your selves, and my Severall Letters of Complaint of ye Insupportableness of it, and my repeated Requesting of ye Hoble Proprietor to be Released therefrom are Witnesses; So I have testimonies not only within myselfe, but in some of your

breasts, also in ye Proprietor's hands, and some of my near relations imployed therein, to whom I perticularized ye promoting grounds and Reasons thereof, wch will sufficiently evince ye Sincerity of my Heart in desiring to be acquitted therefrom, and which I hope I shall Confirme to you Ere I have done.

The Proprietor has been pleased very kindly to Resent wt I have written of yt nature, (as his Letters to me of Severall dates, but Coming altogether in one paquit by this Last Conveyance, doe Satisfie me,) ffor wch I shall returne him my Sutable thanks. But withall, he has given me a touch of Some representations that have Come to him hence concerning me, and what a Spiritt has been raysed in ffrinds to his Disquietmt there upon yt accot under his present afflictive circumstances, wch I am very Sory ffor, but shall not Trouble you with ye Particulars, or my Sence of ye Procuring Cause thereof at present. 'Tis enough ffor me to hint those things to you, who must needs know of Them, at least Some of you, so I shall not in ye Least Disturb ye Serenity of my owne minde, or Discompose you (ffrom a joy full reception of ye message I have to Deliver you) by any remarks thereupon, or give you ffurthrer occasion of Representing me a grievance to him in any sort.

'Tis a good day. I have given & I doe unfeignedly give God thanks for it, (wch are not vayne words,) for to Say no worse I was very unequally Yoaked: and it being ye Day of my Redemption from that Groaning, (I say,) I shall not grieve any of you, Neither Shall I Deteyne you longer in this porch.

Gent., I have Severall things to Communicate to you, by Command of ye Proprietor, whereof these at present, vizt.

ffirst, the Declaration of his selves to you and ye people in Generell, with his ffervent resolutions to be with you by God's hand and help, by ye very ffirst Door yt his Providence opens, and his Sincere prayers to God

for all your prosperity, wishing peace and happyness to abound among you every way.

Nextly, that ye Consideration of my repeated desires to leave a Station yt is So uneasie to Keep and Execute, has at Last brought him to resolve, tho' with reluctancy, (as he is pleased to his Express himselfe,) to answer my Request, and Ease me of that burthen. But upon ye terms of takeing me to himselfe, &c., wherein he has made very kinde proposalls to me, and Sent me over Severall Commissions & Instructions, wch, when I Judge Seasonable to Ingage in, I shall Communicate unto you. And lastly, to lett you know that I quit ye place of Governr as a man that sought to be discharged from it.

In pursuance whereof, this being ye place where, (after some debate amongst your selves,) you Declared your acquiescing with my Governmt, I doe here with all heartiness, declare my Rejoycing in ye Opportunity and leave I have of Resigning and Surrendering it up. And I doe accordingly very ffreely and fully resigne and Surrender all ye powers and authorities in my Commission and Instructions ffrom ye Honble Proprietor, given me as Governr, into your hands and acceptance, viz: to ye Provinciall Council.

And ffor yt you are fallen into times of difficulties and Danger, (perhaps greater than some of you are aware of,) I Doe and Shall pray ye Lord ye God of all wisdom, that he would graciously Enlighten your minds, and over rule you debates and Counsels, in and unto Such wayes of truth, wisdom, quietness and agreement with his will, and one with another, as may Conduce with his glory, the Honr of Their Majts our Most Gracious King & Queen, the Security of Their Province and territoryes, the Interest and Rejoycing of the Proprietor's heart and worthy ffamily, and ye Generall good, happiness and prosperity of ye people of all perswasions now Committed to your Charge; and

that he will alsoe Indow you wth Courage and resolution proportionable to ye Trust and Station you are Sett in; that Impartiall Justice may run with a mighty Streame ffrom your administration amongst them, to ye terrour of Evil doers, and prayse of all others.

Gent., I begg pardon of my Ignorances & weaknesses; (I call my doings so, for yt I bless God I am not under any Conviction of haveing wickedly Departed ffrom ye Rule of my Duty therein;) I mean your Charter and Laws, so ffar as they have ffoundation in ye King's Patent, and are not contrary to ye Laws of England. I begg also yor acceptance of my unfeigned thanks ffor what Respects you have shewed me in ye advices and assistances you have Supplied unto me, as I doe also fforgive ye Disrespects & neglects of any persons in this Government; and Lastly, I assure you that though I have not been acceptable to you as yor Governr, ffrom ye very ffirst day you saw me, (wherof I was Early made Sensible,) I will indeavour to improve these faylors to the approveing myself a Pattern and instance of personate humble deference, Submission and Obedience to those who Succeed me in ye Governmt whilst I Remaine amongst you, which ye unfitness of ye Season & Danger of my age and Constitution, to travell so long a jorney as to ye place whence I Came, will probably Constrayn me unto Some months.

Gent. I now both voluntarily and ffreely quit this Seat, to be ffilld up as by these two Commissions; (which I here deliver to you ffrom ye Proprietor,) In order to your Consideration whereof I think it my duty to give you his owne words Concerning them, which are these, vizt:

[I have sent two Commissions about Settling ye Governmt there in a condition that may please ye Generallity. Let them be ye Choosers. Either of them shall satisfie me.] By which you See how much his heart is Sett upon your agreeing one with another, not

offering violence by Imposing upon ye Lesser number. He proposes that ye Generallity be ye Choosers, not ye bare majority, and give me leave to tell you ffrom my own Experience, 'twere yet better if you could gaine the universality ffor what you shall pitch upon as things now stand, for 'tis Harmony must be your strength and Continuance, and a Small complaint added to this change of ye Hands, will argue you to have little regard to ye Proprietor's present ill circumstances, and shake your whole foundation.

Here also is a Letter directed to you, wch I have received in my paquet ffrom ye proprietor, and when I understand you have so made your Election, and settled ye Deputation according to these commissions, I shall further address to you in what I shall conceive proper ffor your respective Cognizance relating to ye Proprietor's services agreeable to what further Instructions I have from him. And if I may be any way serviceable to him or you whilst I remain in these parts, be pleased to honor me with wour Commands. In ye meantime I take my leave of you, and pray ye Lord be with you.

1st November, 1689.

Memoranda upon Laying down the Office of Deputy Governor.

THERE IS A CAUSE OF YE WIDDOW JEFFS, in which I have been prest: I Doe desire yt shee may have justice Showne her, and as much mercy & Kindness as can be with justice to those Concerned with her.

Also that ye Concerns of Henry Patrick may not be lost, Richd Noble was Intrusted.

[in his Lett. 11 6 mo. 1689.]

Countenance ye Interest of Widdow Whitpaine and her husband's Creditors, all that is possible in justice; the Honor of ye Province is Concerned in it.

[in his Lett. 25 7 mo., 1689.]

I must Recommend to ye Governmt ye Care of ye widdo Jeffs & Whitpaine, in which, believe me, ye Honour of ye Province is Deeply Concerned, Especially ye Latter, because of her Husband's Creditors, whose Expectations are much ffor you there.

Samll Hersent left a Child there that was at my Charge, but I think ought to be maintayned by ye Community. It is ye Grandmother's desire he should be sent over by the ffirst Opportunity yt is safe, as if There Come a fleet with a Convoy ffrom Virginia or New York.

I would be as Little Rigorous as possible; And doe desire thee, by all ye Obligation I and my present Circumstances can have upon thee, to Desist ye prosecution of T. L. I intirely Know ye person both in his Weakness and Accomplishment, and would thee End ye Dispute between you two, upon my Single Request & Command, and that fformer inconveniences be Rather mended then punished.

P. S. Salute me to ye people in Genll: pray send for J. Simcock, A. Cook, Jno. Eckle & Samll Carpenter, and Lett them Dispose T. L. & Sa. Richardson to that Complying temper that may tend to that loveing & serious accord yt become such a Govermt; vale.

Exr. p. me,

JOHN BLACKWELL.

11th Febr., 1689.

BENJAMIN FLETCHER.
Governor.
1693-1695.



Chapter V.

BENJAMIN FLETCHER.

Governor,
1693-1695.

PENN'S ENEMIES HAVING SECURED THE SEQUESTRATION of the province, Benjamin Fletcher, Governor of New York, was directed to add the administration of Pennsylvania to his existing duties. Fletcher offered to retain in the office of Deputy Governor, Thomas Lloyd, who had held that position by commission from William Penn, but he declined the honor, whereupon it was tendered to William Markham, who continued to hold the place until the arrival of Penn, six years thereafter. Fletcher's administration was particularly marked by continual differences between the Executive and the Assembly with regard to the question of providing funds or forces for the defense of the frontiers against the French and for the pacification of the Indians. His administration lasted from April 1693 to March 1695.

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Commission of Lieutenant Governor William Markham from the Governor designated by the Crown.

BENJAMIN FLETCHER, CAPTAIN GENERAL & Governour in Chief of the province of
[L. S.] New-yorke, province of pennsylvania, Countrey of New Castle & the Territories and Tracts of land Depending thereon, in America, Under their majesties, Wm. & Mary, by the grace of God, of England, Scotland, France & Ireland, King & Queen, defendrs of the faith, &c., To William Markham, Esq., Lieut Governr of pennsylvania & the Countrey of New Castle greeting: By virtue of the power & authoritie granted me by our Sovereign Lord & Lady, Wm. & Mary, by the grace of God, of England, Scotland, france & Ireland, king & Queen, defendrs of the faith, &c., under the great seal of their Admiralty, Constituting & appointing me Vice Admirall of the province of New yorke, Colonyes of East & West Jersey, province of pennsylvania et Countries of New Castle, &c.: And reposing speciall trust in yor fidelitie in this behalf, I doe by these presents Constitute & appoint you my deputy or Surrogate in the sd office of vice admirall, so farr as it is extended over the sd province of pennsylvania & Countrey of new castle, And doe by these p'nts give & grant unto you the sd Wm. Markham, full power and authoritie to doe execute and perform all things which I my selfe might Lawfullie doe, by virtue of the sd office of vice admirall, so farr as it is extended over the province of pennsylvania & Countrey of New Castle aforsd, according to the Severall powers, authorieies & directions contained in my Commission for the sd office of vice admirall as aforesaid (which I have Caused to be registered^d in the province of pennsylvania,) & such other instructions as you shall from time to time receive from mee, undr my hand: provided al-

ways, that you shall from time to time transmitt unto me a true & exact accot of all what you shall doe, execute or perform, by virtue of these presents. Given under my hand & seal att Philadelphia, the 17th day of May, in the 5th year of their maties' reign, Annoque domi., 1693.

BEN. FLETCHER.

Inaugural Address to the Assembly.

GENTLEMEN: BEFORE YOU GOE TO THE Choice of your Speaker, I think it Convenient to let you see by what authoritie you are Convened: my reason is, becaus I observed some commissioned by your proprietor did withdraw themselves att the publishing of their Maties' Comission; Other have refused to act under that power, and manie of you wer absent att that time.

Then the Clark, by his Excell. order, did read the Commissions, Upon which his Excell. continued to say:

Gentlemen: You see by the Clauses of these two patents relating to Assemblies, that you are all obliged, befor you can be qualified to Sitt, to take these Oaths prescribed by Law. Yet I have some Latitude in my Instructions, which enables me to admitt such to act in the Government as for Conscience sake Refuse an Oath, and are yet willing to make their Protestation and Subscribe the Test, &c.

It has ever been my endeavour & desire to act soe as that all people under my care might be in Love with their maties' Government and Laws, and am therefor willing to allow such to sitt in this house of representatives, as are chosen by the freeholders of the revixe Counties, who not being free to take an Oath, are willing to perform the other obligations: Provided

this be entered in the Journalls of your house as an act of grace from their majesties, and not taken as a president.

Gentlemen: I must add, if there be anie amongst you who doe not take an oath, whom you cannot own as members of yor Comunion, but may, under that pretence, shelter themselves from what the Law requires, pray Let me know them, otherwise you will bring a blemish upon yorselves by Countenancing Hypocrites. And in this matter I expect you will be plain, and answer for such men, if anie there be, who for private ends put on a false dress.

And I desire you to provide a Clark to keep the Journalls of your votes and other proceedings; That you cause him particularlie to enter in his book, That your being admitted to sitt upon Subscriptions without an oath, is an act of grace, and not to be insisted on as a right, and for the future taken in president.

Your Clark must also take care to give me a Copie of everie day's votes and minutes the night following.

15th May, 1693.

Address to the Assembly concerning the Relation of that Body to the Government.

I HAVE SUNDRIE THINGS TO OFFERR TO YOR Consideraon, But shall only insist upon two att present.

1°. You know that goveramnt, if it be not supported, becomes precarious, void, & ends in nothing.

2°. Gentl., Here is a Lettr directed to me as Gor of this province, from her Matie, qrof you shall have a Copie. The province of New york has been a long time burdened with a troublesome warr, (if it may be called a warr, for Indeed the French and Indians in Canada are a pittifull ennemie, if they could be brought to fight

fairlie, but the wood, swamps and bushes gives them the opporunity of vexing us.) You will see by this Letter their maties' Comands, and what is expected from you towards the assistance of that province.

Gentl., If ther be anie amongst you that Scruple the giving of money to support waar, ther are a great many other charges in that govermt, for the support yrof, as officers Sallaries & other Charges, that amount to a considerable sum: Your money shall be converted to these uses, & shall not be dipt in blood. The monie raised there for the support of the govermt shall be imployed for the defence of the fronteers which doe give you protection.

I wold have you Consider the walls about yor gardens & orchards; yor doors & Locks of yor houses; Mastiff doggs and such other things as you make use of to defend yor goods & propertie agt theeves & robbers are the same Courses that their maties take for their forts, garrisons & Souldiers, &c., to secure their kingdoms and provinces, & you as well as the rest of their subjects. I speake the more to this matter becaus I have their maties' Command, which Lyes now here before you.

And gent., If you will propose anie thing for yor-selves, whether the Confirmation of former Laws or other new Laws, for the advantage and benefit of the people whom you represent, provided they doe not derogate from, or doe not appear in opposition to the Laws of England, you shall find my readie Concurrence.

I hope you will Consider to satisfie their Maties' just demands and expectations. Time is of great value to me. Their maties' affairs call me to the fronteers; therefore desire you speedie dispatch of what is before you. You may return into your house and Consider therof.

16th May, 1693.

Reply to an Address of the Assembly Beseeching that their Proceedure in Legislation be according to the Usual Method, founded upon the Late King's patents, which they conceived to be yet in Force.

THAT THIS ADDRESS HATH BEEN DRAWN up with much deliberation, and by the most Learned in their Countrey, and it cannot be expected that I can give you an Imediate ansr. I shall give you my answer in writting, But att present I must tell you, Gent., You are verie much mistaken in alledging yor Laws to be in force, and at the same time, in yor present station, to desire a Confirmaon of ym. If in force, what need's my Confirmaon? Consider by what power you are convened here: You are either a Law'll Assembly & Legally calld, or an Unlaw'll meeting att the best, & we are doing nothing. If the Laws made by virtue of Mr penn's charter be of force to you, and can be brought in Competition with the great Seal of England that comanded me hither, I have no bussiness here. There is therfor nothing Left for you but to own the king's authority, or disown it. There cannot be two establishments of government, in opposition to one another. I wold have you satisfied in that point. I have an abstract of yor Laws by men, & manie of ym are repugnant to the Laws of England. By yor Constitution formerlie, the people wer to Choose the provincially Councill: The king hath allwayes the power of Choosing his own privie Councill, which is reasonable, for he is the best judge who are Capable to serve him. By your former Constitution the people wer to Choose representatives, who were to have a negative voice in passing of laws, which is allwayes Lodged in the king, and for the present time granted unto me by their maties Lres. patents. By your former Constitution the people did present to the Gor a double number of Sheriffs, Justices of the peace, & I have the

power of Commissioning & appointing officers, & manie other things in yor former constitutions and Laws, repugnant to the Laws of England, too tedious to enumerate; which are altogether Contradicted by their maties' Letters patents. I doe understand that it is the opinion of the Learned in the Law, That the Revenue of the Crown; The making of Laws; The power of Life & death; arming of the subject, & waging of warr; which wer granted to Mr penn, are the Reglia of the Crown & cannot be demised; as in case of an entailment, they are entailed upon the successor: you have heard of an entailed estate: the father is only tenant for life, & cannot demise it from the son; if he grant it for Longer than Life, it is void, & the son shall recover his estate. If there be anie Lawyers among you, they can informe you king Charles' grant of these things might be good to you during his life, becaus he might maintain his own act; But since his death they are become utterlie void. I wold have you advised of this point. These Laws and that model of govermnt is dissolved & att an end: you must not halt between two opinions. The king's power and Mr penn's must not come in the scales together.

But gentl., As I said before, when you did present yor Speaker, If you doe propose anie Laws for yor owne Convenience and safetie, I shall readily Concurr with them, If they be not repugnant to the Laws of England.

I hope your affections to their maties are good. My Custome is to speak the thoughts of my breast, & wold believe so of everie man untill I find the contrary. I wold have you have a tender regard to yor dutie. The Question is short, either you must stand by their maties Comission for the govermnt, or Mr. penn's Charter; for you see they are in opposition to one another. Consider what I have alreadie said, and be resolved in this point. As for the propertie and the estate of the proprietor, you shall find me allwayes readie to advance

his interest during my administraon. Gentl., I never sought to come here. I have enough to doe in the neighbouring province, wher I have a fronteer garrison & an enemy to Look after. I am come by their maties commands, and their government I will maintain, pursuant to their Letters patents. Therefore, pray Consider and dispatch an ansr. I am in haist to be gone upon their Majesties affairs.

philadelphia, the 17th of Mary, 1693. Gent., I have, with the Councill, considred yor address, and am sorry to find yor desires groundd upon so great mistakes. The absence of the proprietor is the Least cause mentned in their Maties Lres. patents for their Maties asserting their undoubted right of governing of their subjects in this province; there are reasons of greater moment, as the neglects and miscarriages in the late administration: The want of Necessarie defence agt the enemy & danger of being Lost from the Crown.

The Constiuon of their Maties govermt & that of Mr. penn's are in a direct opposition the one to the other. If you be tenacious in sticking for this, it's a plain demonstration (use what words you please) that indeed you declaine the other. I shall readily concurr with you in doing anie thing may conduce to yor safetie, prosperitie and satisfaction: provided yor requests are Consistent with the Laws of England, their Maties Lres patents, and the trust and Confidence their Majesties Have reposed in me. Time is verie precious to me. I hope you will desist from all unnecessarie debates, and fall in earnest upon those matters I have alreadie mentioned, & stil have to recommend to you, and for which you are principallie Convened together.

17th May, 1693.

Reply to a Further Address of the Assembly Submitting to act in conjunction with the present Governor, according to the King's Letters patents.

HIS EXCELL. MR. SPEAKER, & YOU GENTLE.,
To yor first vote you have been a Long time in answering a plain Question, but have come to a Conclusion att Last. I am glad that you have agreed to submit to their maties govermt with a nemine Contradicente.

To the second part I must take some time to consider before I can give you an ansr; please Sir, to Leave the paper with me. Gentl. you shall find me alwayes stedfast to what I promise you; That is, when you have Considered to draw up what Laws may be for your Conveniencie and safetie, provided they be not repugnant to the Laws of England and their maties Lres. patents, I shall be readie to give them that sanction which their Maties have Impowred me to give. But in yor former Law book I find sundries Laws that are altogether repugnant to the Laws of England, and seem to supersede them, viz: the 9th Law, Sodomy & Bestiality; 10th Rape; 16th burning of houses; 96th stealing of hoggs & other Cattell; 109th estates of persons deceased; 117th manslaughter; 116 mariages; 171 Mr. penn's person. I am informed there is a person amongst you brought up in the Law of England, who can inform you. Therefore, you must not expect that I will pass those Laws into acts.

His Excell. you may have it. Gentl. Besides what I have already offered unto you, There is an Act agt pyrats and privateers, with Limitaon of time for their coming into the province, & entring into bonds for their future good behaveour, which was drawn in England & sent with me to be enacted in Newyork: pirates and privateers may become good men att Last, and the design of that Law is to draw them from their evil

courses, and they may become good subjects & inhabit amongst us, to help our governmt: It is enacted in Newyork: there needs no other alteraon than the alteraon of time for their coming in, & in the name of the province; you may Lengthen the time as you find most for yor good. I hope it will meet with no opposition.

There is also another thing which I recommend to you, which no person I believe will object agt, & that is the settling of a post office, which is intended to continue by Land from Virginia to Boston in Newengland; It will be a great Convenience to all trading men, & a satisfaction to everie one. It was recommended to me by the Queen's Letter to be promoted in Newyork, and is settled there, and in New England, by act of Assembly. Here is a Copie of the Queen's Letter & manner of its settlement, for yor perusall.

Reply to a Request of the Assembly for a List of the Acts which might be Repugnant to the Law of England.

I AM NO CLARK; YOU HAVE THE LAWS amongst you; What I have by me is only some minutes which I have extracted outt of yor Law book, for the help of my memorie; But I will remove all excuse for delay: You shall have it; pray let ym dispatch.

18th May, 1693.

Concerning the Failure of the Assembly to Perform
its Duties.

HIS EXCELL. GENTL., YOU HAVE NOT DEALT fairlie by me; you have no candor; you have sitt these fifteen dayes & nothing done: no vote mentioning those Laws ever came to my hand until you surprize me with 13 bills; & again more, some of which are directlie opposite to their Maties Lres patents. I came not here to make bargains nor expose the king's honour. I will never grant anie such for all the monie in your Countrie. You have had her Maties Letter before you, and Let the house Consider what they are doing. I must be accomptable at whitehall for everie thing that is transacted here in this assembly. I shall be sorrie if I can be able to give you no better character; and in short, you must expect to be annexed to New yorke or Maryland. I will not Look upon the Bill untill it will be three times read & signed by the Speaker.

31st May, 1693.

Concerning Various Bills Submitted for Approval.

HIS EXCELL SAID: MR. SPEAKER AND YOU gentl., The representatives of ye province, There is one bill that you have passed giving the pennie in the pound to their Maties, for which I am obliged to thank you. It wold require severall amendments, but I am in haist. I could wish you had given that monie, as you call it, for support of the government of the province, by another name; It would a been more suteable & pleasing if you had taken some notice in the bill of the Queen's Letter; But I shall not insist, and as for that part yrof which you design for mee, I shall putt it to that use which their Maties shall require mee.

Gentl., There are Bills which are passed in Councill

without amendment and approved: there are some five or six more that will want amendments, as that of marriages. The Councill are of opinion, with some of yor house, that it is hard to oblige persons of religious societies different from the Quakers, should be tyed up to their measures.

Bridges. There is a word Left out, perhaps by the Clark's mistake, which is the penaltie for not working. The Councill have putt in twentie Shillings for a dayes neglect: I believe you will agree to it. I believe it were not amiss it wer 40 shillings.

Criminall offences. There is wanting in this Bill the Crime of Burglarie, which you may have easilie added.

Cask. In the assize of Cask, it were proper to take Notice of the oil Cask; fishing with the people of New york is much improved & oil makes a good return. I hope you will consider the improvement of it amongst you; also I understand there is something done towards the trade of oil; therefore, it cannot hurt to regulate the oil Cask.

Recording of Deeds. I wold have the preamble Left out; It's no part of the Law nor adds nothing to it.

There are severall other Laws which I could wish there wer time to consider of ym, but I doubt they will occasion so much debte as will make expence of time. There is that agt debaucherie in officers; I am willing to pass anie Law agt debaucherie you can propose; but there are Laws already agt those Crimes, and if they be putt in execution will not serve.

Mr. Speaker. May it please the Governor, Wee know there are penalties upon such offences; But we wold willinglie see that the highest places in government should be supplied with officers of most virtuous & exemplarie Life.

His Excell. And I also; But it is hard for a false step, in drinking a cup perhaps too much, a man

should be deprived of his birthright, which is that hee be incapable to elect or be elected; this is too severe. It is the free Holders birthright as much as his name. I will give you Leave to banish mee outt of the government when you shall find me drunk. But Mr Speaker there are manie other crimes, as fornication, which a man may happen to be guiltie of as well as drunkenness; why is not that in amongst the rest. I cannot take away the Subjects birthright. But if you will pass a Law for either Mulct or Corporall punishment upon such offences in Officers, I shall be readie to pass it. I believe if this bill You have proposed wer applied to this present assemblie in the strictness of it, Wee should have but a thin House. There are but few men in the world but one time or other may be convicted of Some of these Crimes.

Yearlie Delegates. This is directlie oppositt to their Maties Lres patents. I will engage that while I am in the government I will call an assemblie together once a year; But the king's affairs will not suffer me to be allwayes here att a certain time. Besids it is their Maties prerogative to call assemblies as often as they see meet, and this they have given unto me; I cannot part with it; besids, where is the hurt, if a good assemblie should be continued by adjournment from one year to another. I Love to have Honest men upon my side, and for the rest I doe not care where they be.

Sallaries to the Assemblie. Gent., It is well, but you must also have under consideraon the Lieut. Governor and the Councill. If it wer once come so farr as to have a Revenue established within this province upon their Maties to defray the necessarie charge of the government, I would show you which way it should be made use of for Support of the officers.

Therefore, att present I would have you take the Lieut. Governor and Councill under your Consideraon, as well as the representatives.

Ferrys, If I am well informed, are a Royaltie, and are granted to the Proprietor. It seems strange to me that you should incline to take away anie thing from the Proprietor, who is your friend. It is but his Right, and I cannot take it from him. I cannot pass this bill.

Pirates and Privateers. The Bill which I sent you was originally drawn up att Whitehall. I cannot pass it as you have altered it. There is other Laws to punish privateers, & I am Vice admirall as well as Governor here. Since you did not pass it in form I shall not insist. I remember some of you said it was too Sanguinarie; It can do you but little good or harme.

And for Choosing of officers, It is a thing the king hath lodged in me to appoint officers; therefore you must not expect it. To this & the other Concerning delegates, I must give you a positive answer. I cannot pass them.

1st June, 1693.

Address upon Dissolving the Assembly.

MR. SPEAKER AND YOU GENTL., YOU MAY be perhaps mistaken or not well acquainted with the nature of passing bills in generall assemble; You have had the Copie of my Comission, & you will find it there, that they are to be enacted by mee, by and with the advice and consent of the Councill and assemble, or representatives, Soe that it is not in my power to pass anie bills that come from your House, if I wer never so willing, wtout the advice and consent of the Councill, tho' as they say in England, I have in myself the power to damn them, which is the Negative voice. I am verie willing to pass this bill for an allowance of Six shillings per diem to each representative, and Nine shillings to the Speaker; But

I find a nemine Contradicente in the Councill for laying it aside. They doe alledge that your preamble to that bill is verie fair and plausible, (to witt, the support of the government,) but then you must not seem thereby to take the government whollie into your owne hands, as if the Liuet. Governor and the members of Councill had no share yrin. They are satisfied that there is something due to you for yor service, but it is also true that the members of Councill have a share in the government, and are in the nature of the upper house, and there is no provision for them; you must not then take it ill att my hand, for I doe declare to you, Gentl., that if the members of Councill will consent to it now, I will this moment pass it as it is.

* * * * *

His Excell. I am a stranger; I have put no stranger over you. I have had those gentl. recommend to me, and have found ym all wise, Carefull; & diligent to forward their Maties' Service during by abode. It is my rule to believe well and everie man Untill I find the Contrary; your jealousies have been a great hinderance to their Maties' affairs in this assemblie. This bussines might have been done 8 dayes ago: But I attribute it to this, That you doe not know me. I could wish you had made provision for all the officers of the governmt; If you had, I was allwayes readie to pass it. I see one vote of the house to that purpose, but heard no more of it.

* * * * *

His Excell. What harme wer it, or who could suffer by it, if something wer laid upon wine, brandie, beer and Syder. No person is obliged to drink, & they yt will dipp a Little more than ordinarie, will never feell the paymt of it, nor drink the Less. It wer a better way than to Levie monie by distress, which takes a sum out of poor sober people's hands att once. I doubt not but an excise upon strong Liquors, with the addi-

tion of some things else, wold raise a Considerable sum of monie yearlie for the support of the Liuet. Governor and Councill, & other officers.

Gent., These Councillors will not allwayes be in place. It may be probablie yor owne turns to Serve verie shortlie. If once you wold establish a revenue upon their Maties for the support of the governmt as it is in all places, I should quicklie give you an accompt how it should be distributed. It hath cost mee neer 200lb. the time I have been amongst you; there is my servants, horses & my table, which I have kept for these gent. yet came along wt me: and for you Mr Speaker, & the gentl. of the assembly, if att all times three or foure of you could have come, my door was never shutt, and I told you allwayes soe; but there was such jealousies and fears amongst some of you in this place, that it was avoided as if it wer treason for the speaker or anie other representative to be seen in my Companie during yor Sessions. My temper has been allwayes otherwise. I ever Loved freedom, and it is no argument of Love and affection where jealousie doth so predominate; It is not my fault; I hope wee shall be better acquainted in time. Gentl., I did desire to know of you whether you desire to be adjourned, prorogued or dissolved.

His Excell. Gentl., I will order the secrie to enroll those Laws that I have passed upon parchment, and affix a Seal to ym, and they shall remain in his office, to be a standard of yor Laws, to which you may recurr upon all occasions. I have Likewise ordered that the monie bill shall be first enrolled, Which I doe for yor sakes; And trulie, I could wish you had taken notice of the Queen's Lettr yrin; It wold have been better received by their Maties. And since you desire to be dissolved, I Have dissolved you, And you are hereby dissolved from the assembly, Soe gentl., I wish you all well to yor homes.

1st June, 1693.

Directing the Adjournment of the Assembly.

GENTL., I DID RESOLVE TO MEET YOU & THE Assemblie the 10th of Aprill next att philadelphia, and was to sett out from hence to-morrow Seven-night, but that by Later intelligence from Albanie, I am advised of other messengers from Canada come to draw over or Indians, as is pretended, to hold a Conference with Count Frontiniae, concerning peace, Whereupon or Sachems are verie desirous forthwith to see mee thither. The Councill being of opinion that this Service is first to be attended, I think fitt to adjourn the Assemblie of pennsylvania and Newcastle to the first of May next ensuing, And require the Leiut Governor by these pnts, to adjourn the sd Assemblie to the first of May next accordinglie. I shall endeavour to be with you then. I desire the Representatives of the remoter Counties to be Imediatelie wrote unto not to give themselves the trouble of Setting out too soon; The rest may meet the tenth of Aprill, be sworn or attested, and then adjourned. Gentl. I am your verie Loving friend.

BEN: FFLETCHER.

Concerning Means to Prevent the Indians from Joining with the French against the English.

MR SPEAKER, AND YOU GENTL. THE REPRESENTATIVES of this province, I had designed to have mett you here the tenth of the Last mo., according to the writts which I directed to Issue for calling this assembly, But their Maties service required my hastie repair to Albany, upon Intimation that the five Indian nations (who have hitherto been faithful to the Crown of England,) wer now debauched to the french

interest, and entring into League with the Governor of Canada.

This Defection appeared to mee with so ill an aspect when I considred the Consequences of it, not onlie to New yorke, but to this province & all the nighboring Colonies, that I thought myself obliged to Lay all other business aside, & apply the outmost of my endeavors to prevent so great a mischief. I could willinglie have spared myself this journie, if my dutie to their Maties & my affections to you, their subjects of this province, had not Compelled me to it.

I am therefore Come with a true & Unfeigned Zeal for your saftie & prosperitie, to Lay this matter before you; and to order to your full satisfaction, I have brought with me the papers relating to the Conference I had Latelie with these Indians, by which you may see what they alledge. I must also assure you that yor Indians here will be compelled to join in this fatal Confederacie.

I have Latelie seen with a heavie hart, fourescore fine farmes all deserted about Albany, after the great expence of the owners in building and Improving, which has been occasioned rather by the unkindness of our Nighbours, who refused us their assistance, than by the force of the enemie. Could we have found men to secure our advance posts, Conestiguna and the Half Moon, these farms wold have flourished still. I pray God this Leprosie may spread no farther; but I much doubt those who have shutt their eyes at a distant danger, will find it come to their owne doors.

I am bound as well in Justice as gratitude, to acknowledge our Nighbours of the Jerseys have done more in the Comon defence than all the other adjacent provinces: they sent us foure Hundred pound in Silver, Sixty odd proper men, well armed, who passed upon dutie on the fronteers one year. They have now sent up thirty men att their owne Charge, and Considered of a way for their maintenance during the warr.

Gentl., I consider yor principles that you will not Carie arms nor Levie monie to make warr, though for your own defence, Yet I hope you will not refuse to feed the Hungrie and Cloath the Naked. My meaning is to supply those Indian nations which such necessities as may influence them to a Continuance of their friendship to those provinces. And now, Gentl., if you will consider, wherein I may be usefull to you, according to the Tenor of my Comission, in redressing yor greivances, (if anie you have,) you shall find me readie to act by the rules of Loyaltie, with a true regard to Libertie & proprietie.

23d May, 1694.

Further upon the Means of Preventing the Union of the Indians with the French.

MR. SPEAKER & YOU GENTL. OF THE REPRESENTATIVES of this province, you may Remember that I did desire you to doe something which I thought needfull for their Majesties service and your own preservation in a way agreeable to your owne principles, which is to feed the Hungrie and Cloath the naked. The Indians of the five nations are a Barrier and Defence to you & all the English Colonies on this main; your saftie and interest is Concerned; they are poor and naked; and in this time of warr have Lost the Libertie of hunting which is their onlie support. They are objects of yor charitie. I judged it so reasonable a demand as could not admitt of delay. I sent you the minuts of my Last Conference with them for yor satisfaction, wherby you may see that although they are brought verie Low and discouraged, yet not so farr gone as to be past retreive; I know but two methods to be used with these heathen; they are to be held by Love and fear. I have been plain with them, and given

one Hundred dayes to Consider of their answer from the time of my Last Conference, then I intend to meet them with the sword in one hand and presents in the other.

Gentl. It were verie Convenient you did supplie mee with some Considerable present of cloathing and food to be given in the name of the province of Pennsylvania & Countries of Newcastle: you shall have a particular accompt of the disposition thereof. I doe think of other methods to gett forces to appear with mee, not to trouble or molest anie of yor people; This I take to be the onlie way left att present to prevent the Indians falling off, and all the Calamities that will attend it in this province, as well as the rest; you have not as yet regarded it, for ought I can learn.

Gent. You have the Queen's Letter Comanding assistance to New york, which ought to have greater force than my arguments: I expected her Maties Comands would have so far prevailed. The originall was shown to the last Assemblie, which I suppose may be entred in yor books, or a Copie therof upon the file with yor Clark. I had no positive ansr from them, & expect one from you.

Gent. You are witnesses that I am readie to serve you, to doe anie thing in my power you can think of for yor ease & Satisfaction. I sett up for no arbitrarie Comand, have put no stranger over you, treated no man rudely, & am as readie to grant what is in my power to serve you as you to ask. I have as great a regard to the interests of yor proprietor as anie man in the government, and would not go about to hurt it; But I find you slow in business which makes mee think that we shall have no sessions this time. Gentl. Some of you may Remember I proposed to the last Assemblie to Consider of some fund for the support of government, which is verie needfull, butt they did not think fitt to Consider it further than that they franklie & generous-

lie gave a pennie in the pound to their Maties, and designed one half therof as a mark of their respects to mee, for which I thank ym. I doe resolve you shall see how the other part of it is disposed & what the whole amounts to before I leave you; I have Issued Orders for the speedie Collecting of it, and if there is nothing else for you to doe, I will adjourn for some time until it come in; Therefore, gent. I shall expect your ansr If you'll give anie thing to feed and Cloath our Indians; Consider of it, and of what I have now said. Gentl. you may withdraw to your House.

29th May, 1694.

Concerning the Law for Raising Monie to Defray the
Countie Charges.

MR. SPEAKER AND YOU GENTL. THE REPRESENTATIVES of this province, there are some Laws which wer Comitted to a Committee of Council and Assemblie yesterday afternoon. They are returned this morning with some amendments agreed unto by the Committee. I am willing to agree to what I find the opinion of the Committee, Onlie there is one Law which verie much concerns you & your posteritie, which I cannot approve of. It is the Law for raising monie to defray the Counties charges. I disapprove of the method which you propose, being repugnant to the Law of England. You may bring a Slaverie upon your posterity after you, which I will not consent unto. I have the appointment of Justices of ye peace over you, but I declare I cannot answer for everie person that is recommended to me for that trust. By the Law of England, if understood right, no monie Can be raised to defray the Counties Charge but by the consent of the grand Jurie, which represents the people of the Coun-

tie as you doe the bodie of the whole province. I am as willing yor debts be paid, and everie thing needfull should take effect for yor ease and good as yor selves; but this I take to be otherwise. I have no Interest in it nor can have none. Mr. Speaker, you must needs know this to be repugnant to the Law of England, therefore, wold have you Consider of it, & of a proper method for paying yor Countie debts, & I shall agree thereunto.

Gentl., There is one thing more; I wold have you to Lett me know how manie bills you have before you. The time is short, therefore, pray dispatch them.

2d June, 1694.

Concerning the Impropriety of Voting Monie to Others before the Necessities of the Crown are Satisfied.

MR. SPEAKER, &C. YOU HAVE MISTAKEN the form of the bill. I can pass no bill to Leavie monie on their Maties Subjects for myself, or for the use of anie other person whatsoever. Their Maties, or their particular service, must be first regarded in all Leavies, and if you design a favour for Coll. Markham or Mr. Lloyd, your method is to raise a fund answerable to the Queen's Letter and their Maties expectations for the securitie of the fronteers and assistance of Newyork, and then to pray their aties would be pleased to allow out of that sum what you intend for these gentl. I find you goe about to appoint your owne Collector: As you Cannot raise monie or give it to anie other but their Maties, So you Cannot appoint such an Officer; Indeed it appears an Unmannerlie distrust of the person in that office already Commissionated, and it Looks Like putting it outt of their Maties power, (if you could,) to disallow of your act. I shall

suspend my determination as to the other bill till you Consider better of this, and doe again putt you in mind of a possitive answer to their Majesties Letter.

7th June, 1694.

Concerning the Legislative Incompetence of the Assembly and Directing its Dissolution.

MR SPEAKER, YOU HAVE NOW SATT NINETEEN days without the Least Consideraon of their Maties Service in the Securities of the province; you have applied the first part of yor time in the searching for grievances, which will all appear to be the effects of yor owne weaknes in not redressing ym by the due course of the Laws, there not being one of the foure you took such pains to hunt for but must reflect upon yor proprietor or yorselves.

You have Laid some bills before me. First you desire me to give Sanction to two bills agt Robbing and Stealing, which tho' (as you word ym) they are not Consonant to the Laws of England, yett att yor instance and request I doe allow of them, till their Maties pleasure be further knowen. And so for the rest, viz: 2d, that for regulating weights and measures. 3d, That for Regulating Tobacco Casks. 4th, That agt Importing Tobacco by Land from Maryland. 5th, that for Limiting the Interest of money to eight per cent. 6th, That to make land and freehold liable to execucion for debt. 7th That for Imporeing the widow and exers. to sell Land for paymt of debts.

These other bills I cannot pass. First, the bill for Countie Levies, which appears most unreasonable and Contrary to the Laws of England and the Comon practice in anie of their Maties dominions, for particular persons to Levie money upon the subject without their

owne Consent. A grand Jurie att the Quarter session doe represent the Countie, and are Judges of the necessary charges of the Countie, and may present such sums of money as are Convenient for the repairing highwayes, bridges, &c., and the Justices take care to order it accordinglie; But in this Bill the Justices and Representatives of each Counties are empowered wtout a grand Jurie, and agt their Consents, to Levie money att pleasure, under a pretence of paying old debts of twelve years standing. The Second is a Bill for Regulating fees. This power is by their Maties Letterrs patent invested in the Governor & Councill, & care shall be taken thereof, as in the province of Newyork, to yor generall satisfaction.

The third is for a Sallarie for Assemblie men of Six shillings a day, I recommended to yor Care a support for the Leint. Governor, the Judges and other officers who act by the Maties Commission in this province, To which you have allwayes Lent a deaf ear; And I find yor members of Assemblie have a way to gett their old allowance of three shills. a day by a bill for defraying Counties charges. This I think, is sufficient wages.

The fourth is the money Bill, Wherein you have no regard to what I propose to you for their Maties service, In enabling mee to ansr her Maities Letter for assistance to Newyork, tho' proposed in such a way as is agreeable to the most tender Consciences among you. You wold raise monie upon the subject & dispose of it at yor pleasure to the two Late deputies in such a manner as I cannot consent to, being Limited by my instructions. You wold also putt itt outt of their Maties power to approve or disallow of yor gift; you will not trust the Receiver generall appointed by authorities of the Crown, but name one of oyr owne, who shall not be accomptable for the sd sum, but to the two Late deputies: And you wold by this bill give a certain sum of 400 lb. to those two gentl, who never acted

by Immediate Commission from the Crown, and Leave the uncertain fragment for the support of government, which, according to the measure of your Late allotment, will not amount to 100 lb. st; I am apt to believe to nothing.

Now Gentl. finding no prospect of your Inclinaons for their Maties service or your owne saftie, I think fitt to dissolve this present assemblie, and you are hereby dissolved.

9th June, 1694.



ANDREW HAMILTON.
Lieutenant Governor.
1701-1703.



Chapter VI.

ANDREW HAMILTON.

Lieutenant Governor,

1701-1703.

UPON HIS FINAL DEPARTURE FOR ENGLAND Penn entrusted the reins of Government to Andrew Hamilton, a Scotchman who had had experience as one of the proprietaries of East New Jersey and later as Governor of East and West New Jersey. He was the author of the postal system of the colonies, and at one time was Deputy Postmaster General of all the Plantations. Hamilton, more successful than his predecessors, organized a military force and commissioned George Lowther as its Captain. Assuming his duties in November, 1701, they were suddenly terminated by his death on the 20th of April, 1703.

Concerning the Establishment of a Militia.

TO THE REPRESENTATIVES OF THE PROVINCE of Pennsylvania and Territories annexed:

What I have Chiefly, Gentlemen, to Recommend to you, is the Providing against what may annoy us by Land or Sea.

The Greatest Danger we seem to be in by Land is from the french and their Indians of Canada, and ye likeliest method to prevent harm from that Quarter is to Joyn with our neighbours of New York in fortifying ye Frontiers at Albany, and some out passes near it, which the Late King looked upon so necessary to be fortified, that he not only Enjoynd a Quota upon the Several Collonies in North America to assist in it, but Largely Contributed towards it himself, And which now My Ld Cornbury, Governour of New York, Calls for as appears by his Letter now laid before You; no wise enemy as the french is, will adventure to run unto ye heart of a Countrey & Leave ye Garrisons behind them Capable of Cutting of their retreat, and it will neither be safe nor Reputable for this Govmt to lett ye whole Burthen lye upon New York, seeing we Embarqu'd with them in ye same Bottom, and must fall under the like if ye Enemy should Possess ym Selves of ye ffrontiers, ffor want of Timely assistance.

As assisting New York in making ffortifications in proper places, is a Likely way to secure us from that Quarter, so there is also a necessity of Providing against Surprise nearer home, & Invasions by sea: when we are known to be in a posture of Defence an Enemy will be Warie how they attacque us. The meanes, under God, used in other Colonies is by Law to Establish a Militia, wch is also necessary to be by Law Established in this Province & Territories, nor will (I hope) those of the Assembly who profess themselves under a Religious Type not to bear arms, be a

Barr to others not only have a freedom but think it their duty to put the Inhabitants in a posture, under God, to Protect themselves from an unlawfull force. The Golden Rule in this Case ought to be the Standard, ffor if those who profess themselves under a scruple to bear arms would think it a hardship to be fforced to it, so (I hope) they'll also think it one to Invade the principles of others by Disabling them to Effect what they in Conscience ought to do, wch is to Provide, under God, for ye Defence of ye Inhabitants against the insults of an Enemy.

18th Nov. 1702.



JOHN EVANS.
Lieutenant-Governor.
1704-1709.



Chapter VII.

JOHN EVANS.

Lieutenant Governor,

1704-1709.

THE APPOINTMENT OF A YOUNG OFFICER OF the Queen's household as Deputy Governor was a concession to the views of those who did not believe that a stable Government could be maintained upon the peace principles of the Quakers. Governor Evans' youth—he is stated by some authorities to have been twenty-one and by others to have been twenty-six years of age—led him into many escapades which detracted from his influence. Unsuccessful efforts to raise a military force or to obtain funds for military purposes afforded great annoyance to him, and the unmanageable character of the Quaker Assembly involved him in a series of more or less acrimonious controversies with that body throughout his entire administration, which extended from February 1704 to January 1709.

Address Consequent upon Determining that there could be no Legislative Union between the Province and the Territories.

GENTLEMEN:—MY EARNEST DESIRES & Endeavours for an Union, between you & those of the Lower Counties in Legislation, having by means of the several steps that had been made before my arrival, prov'd unsuccessful, & you being now in a Condition by the Proprietors Charter, to proceed to business without further Delay, I shall briefly recommend to you what I either have in charge, or Judge of the greatest Importance to be laid before you.

What first naturally occurs to ye Consideration of mankind, is their own happiness & safety, and that nothing, (as I said the other day,) can be of greater Importance towards that of a Governmt, than that the legislative Powers, & the administration of Justice, be well & duly regulated. I make no doubt but every one will agree in Opinion, for the Effecting of which you have now as fair an opportunity as sound, & wholesome Laws can give you. The Queens Majesty & the Proprietary have effectually done their parts, & for mine, I shall alwayes be ready to concur with, & heartily promote whatever may prove of so happy a tendency. It remains only that you will accomplish your own happiness, by a firm Establishment of your Constitution, on such a reasonable & regular foundation, as that each particular Interest, Her Majesties, the Proprietrs & your own may be so interwoven, (as naturally they certainly are,) that each may support the other.

Gentlemen:—Her Majesty expects that while all the rest of her subjects every where chearfully contribute to the great & necessary expences of her Majesties Governmt, You will with no less alacrity concur to advance what either the Exigencies of this Governmt or our neighbours, (when the Charge & Care is thought

of equal advantage to us, with our own,) may reasonably require, & particularly 'tis expected, that you find a way with all dispatch, to present her Majesty with the sum mentioned in the late Kings Letter, to help towards the defraying such Charges as the Governmt of New York, is necessarily obliged to bear, for our common interest and safety.

The Proprietary expects you will support the dignity of the Governmt in all its Branches, and not to suffer it to lie as an oppressive Load upon him, whose unwearied Endeavours have never ceased to secure you in the Enjoymt of your just Rights and Priviledges; & while he is enabled to undergo it, doth by me give you assurances, that he will not be wanting in whatever may most effectually secure you; but that unless you can find means to recommend yourselves to the ministry at home, by answering the just ends of Governmt, the Burthen must needs lie much heavier upon him, & perhaps at length prove too much to bear.

I am also to recommend to your care, some method to secure ourselves in these dangerous times of war, especially that you have a more than common regard to the Indians, & such as are suffered to come amongst them.

These Gentlemen, are the chief heads of what I have to lay before you, whatever else is necessary to be done will naturally present. I most earnestly recommend to you, upon the whole, all requisite dispatch which will be best effected, by an unanimous Concurrence for the common good. Lett no Interest but the Publick, have place in any mans thoughts, and I promise you, on my side, it shall be the chief of my study.

I shall only further add, that upon this separation from the Lower Counties, in Legislation, I hope you will always take care to shew that what hath past was of necessity, & preserve a Desire to come to a happy union again, & in all your proceedings, shew a tender

regard to them as your friends united by common Interest.

17th Febr. 1704.

Introductory Address to the Assembly.

GENT: THE PROPRIETARY & GOVERNOR IN Chief of this Province & Territories, having with her Majesties Royal approbation, thought fitt to appoint Lieutent Governor of the same as well as her Majesty, as the Proprietary have been pleased to give all necessary Power & Instructions for the well Governing the People thereof.

For the full Discharge of which 'tis needless to Inform any who are blest with the Priviledges of English men, that nothing is of greater Importance than a well Regulated Legislative Power, consisting in the Concurrence of those that are invested with the Power of Government, and the People whose Representatives you now are. The Compassing which happy End, as I am well assured, is one great Point of my Duty, So with Gods assistance it shall be ye utmost of my Endeavours.

But I was not a Little Surprized Gent. at my arrival in this place, to hear that within the Bounds of my Commission there had been any tendency to a Division in the Legislative Power, Happily settled by our Constitution in an Assembly of the freeholders of the Province & Territories, since the first erecting of this Government. I have been pleased to hear that you have all hitherto been United in one Body in your Assemblys, and in them have Joyntly Enacted Laws by which you have been peaceably Governed & flourished at least Equally for the time to any Collony in America.

And I should be Exceeding Sorry should it prove my misfortune & yours, to find you who have gone thus

Happily together, to Proceed on my arrival to break that union, and Confirm by act a Separation that I must believe was the unhappiness of ye place to have ever laid any foundation for.

I am well assured Bent, by all my orders, that her Majesty Considers both this province and Territories as one Intire Govermt, and both the Royal approbation and my Commission tell me that I ought to use my utmsst endeavour to keep them so.

Your Publick Interest also, I suppose, will no less clearly Inform you that you are by that so Inseperably united that neither can, without great loss and Inconveniency, suffer a division.

Unity and Concord are the greatest Cement of Publick Happiness and tis no small part at this time of ye Glory of England, that in the Legislative Powers there the Parliament is in harmony and Union.

I must therefore Gentlemen, Earnestly Press both you the Representatives of the Province, notwithstanding ye steps already made to a separation, and you of the Lower Counties, who upon our Consultation at New Castle with some of the prin. of you on this head, thought it requisite to meet here to deliberate & consult on this Important affair. That Conferring by yourselves, and together as there shall be occasion, you would take the speediest and Properest measure to form yourselves, by an amicable agreemt, into a Condition that may Enable you Effectually to proceed to the Consideration of such methods as the service of her Majesty, This Govermt, & our Common Interest and Safety may require, & which I must lay before you. The different numbers of Representatives need not be any obstruction. Your business together being not now Immediately to proceed to voting, but to find means to put yourselves joyntly into a fitt Condition for it.

I must Recommend to you Gent, both of the Province

& Territories, that you would use your utmost dispatch in this affair, that wee may the more speedily Proceed to such other Business as our Circumstances may Require to be Expedited.

12th April, 1704.

To the Assembly in Acknowledgement of an Address of the House in Reply to the Governor's Introductory Speech. .

THE GOVR HAVING RECVD & CONSIDERED ye address of ye House, in answer to his speech, returns his thanks for their so hearty Declaration of Gratitude & affection to ye Queens Majesty, and the Propry, & those favourable expressions they were pleased to give of himself as he very kindly resents them, so he will endeavour to acquit himself answerable thereunto, as far as it shall lie in his power.

I answer to ye Houses request relating to ye Royal Sanction, to ye Laws of this Province already past, the Govr is assured yt ye Propry had laid them before ye Queen, & was pressing that matter to an Issue, & ye Secretary will communicate to ye House, some Paragraphs in ye Proprs private Lettrs to him upon that subject. But what ye Govr more particularly designed in that clause of his Speech, where he sayes ye Propr had done his part, was by his effectually giving them such an opportunity of securing themselves by Establishmt, as a better can never be expected again, & therefor hopes they will use it accordingly.

But ye Govr is sorry yt he finds himself obliged further to acquaint ye House, yt their answer to ye Queens, expectations cannot be taken as satisfactory for ye former answer of ye assembly, to wch this now refers, pleads reasons, ye Edge of wch the space of almost three years has wore off, & yt address requests ye

Propry yt ye further Consideration of ye Kings Lettr may be referred to another meeting of Assembly, or until more emergent occasions shall require their proceedings therein, so that ye very address referr'd to, turns it now upon this assembly, those demands now being answered by any of ye foregoing: and for ye Emergent occasions there mentioned, it could be wisht yt there were none so urgent, as a dangerous war broke out since yt time, affords us, besides ye Queens further Injunction still pressing it, ffrom which Injunctions it is also evident yt no Representation ye Propr has been able to make of that affair, has been sufficient to secure this province from blame, upon their former failure, seeing they are again pressingly urged to it by it by ye Queens own commands, above fourteen months after her happy accession to the Crown.

It is undoubtly true, that ye Govrmt of New York lies much exposed to the attacks of the enemy, that their strength & Defence tends to our security, and that the Govmts to ye Eastwd are very deeply engaged in Defences of their own, which also makes for the common safety. While we of this place, whose Lives & ffortunes ought to be equally dear to us, have enjoyed peace & tranquility without contributing any thing considerable in comparison to others, towards the obtaining of it, and whatever our neighbours shall find themselves obliged to doe for their own safety. Yet, if we appear resolved to give them no Encouragement, we shall have too little reason to blame them, if when they have opportunities as they frequently may, they fail to extend their Regards to our welfare, as concerned in the publick good, seeing we contribute nothing to the Public Charge. Nor can we ever expect to recommend ourselves to the protection of ye Queen, while we shew no more respect to Her Desires of that kind, that either from herself or Royal Predecessors, have so rarely reached us. These or ye like Reasons, the Govr

is credibly Informed have so far prevailed on ye Govmt of Maryland, as that they have raised a good part of what was required of them for this service, notwithstanding they lie much more secure & out of Danger. Nor can ye Govr believe, that this can clash with the Religious persuasions of any man, seeing there are many other vast charges besides the actual making of war, & this is not required for carrying on of any War, as in the acts of Parlm^t. in Engld, in such Cases is always mentioned, & yet is there comply'd with to a very high Proportion of their Estates by all persons whatever, without objection on this score; here the Queen only Demands such a sum, which common reason will tell us is exceedingly necessary for the Publick good & safety of all the adjacent parts, & as it is absolutely necessary that funds should be raised for the support of Govmt, & answering Public Exigencies, so if they be made proportionable to those Exigencies, of which this is a great one, the Govr will faithfully take care that they shall all to ye utmost of his Power, & this among the rest be duly answered.

The Govr is well assured, that the not complying with this, will be so great a Clogg to the affairs of this Province at home, & lay the Propry & his whole concerns for the Public Good, under so great Disadvantages with the ministry, that it will prove the worst of husbandry, & therefore thinks himself obliged further to press, & again propose it to ye Houses most Serious Consideration.

The Govr. & Council think it requisite further, to lay before the House a Lettr to their Board from the Propry, because it is of equal Concern to all, & must add, that ye Propry by some of his Lettrs, expects and depends on it; that the Countrey will defray the Charges of Govmt here since his Departure, in relation to Govr Hamilton, whose Salary being two hundred pounds a year, he engaged himself to answer, till further Provision should be made.

The Govr is resolved to avoid proposing any thing but what the Honr. Justice & Safety of ye publick may require, & hopes, that those who have ye trust reposed in them to represent ye people, will according to their Declarations, readily & cheerfully concur & promote whatever may prove for ye Common Good & Interest of ye Place.

The Govr thinks it proper, further to recommend to ye House, that as it has been ye Common practice of other Govmts & Communities every where, to address ye Queen upon their first opportunity of meeting, after her happy accession to the Throne, this being now ye first that this Province has had in Assembly, & ye Propry having particularly recommended it. It will be a just Discharge of Duty to present a humble Congratulatory address from this Province, also requesting ye Continuance of that Protection, Her Majesty has been graciously pleased to grant ye subjects of all her Dominions.

11th May, 1704.

Reply to Remonstrance of the Mayor of Philadelphia against the Exemption of Militia from Watching, the Failure to License Houses of Entertainment without added Recommendation, and the Proclaiming void a Verdict Against a Person for Keeping a Disorderly House.

THE 1ST ARTICLE. NOT ONLY BY YE QUEEN'S order, but also for ye just Discharge of my Duty, in providing for ye safety of ye People, committed to my charge, I find myself obliged to put this Province in ye best posture of Defence yt I am capable. In order to wch ye principal step is ye establishmt of a Militia. This I have endeavoured not without success, tho' ye publick has hitherto given no encouragemt

towds it. I therefore though my power and ye issuing that Proclamation, wth ye advice of ye Council, was ye readiest yt could be thought of. I have reason to doubt yt too many of those good people you mention, are such as oppose a Militia, not from any principle against it, but through an uneasness to see any thing done under ye present administration, that may recommend us & the Proprietrs affairs to ye Crown. To serve in ye Militia is much more ye duty of ye subject than to watch, & nothing in my Judgmnt can be more reasonable than that those who decline ye one, may engage in ye other, that a double Burthen may not lie on some, while others are exempted; what I have done on yt head, was with ye best advice, & I cannot see any reason to recede from it.

To ye 2d. I can boldly affirm yt till I saw your Remonstrance, I never once heard it suggested, that ye Justices of ye County ought not to have ye same power in ye City, concurrent wth ye Citty Magistrates, If in ye Eye of ye Law it be otherwise, to that I must leave it to be determined, & shall be very well pleased to have it decided by proper Judges; as to ye Recommendations of persons to be Licensed, the County Justices were of oppinion that they were unkindly dealth by, & therefore were willing to assert their Right, (as they took it to be) not with any design to clash, but to act in concurrence.

To ye 3d. Being commanded by ye express words of ye Queens Ordr, to take notice of what is there required & govern myself accordingly upon application made to me in Council, I thought myself indispensibly obliged to observe it, not through any Desire of thwarting ye Corporation, but to answer her Majesties Commands. I shall alwayes be pleased to see ye Corporation Supported in their just authority, & shall freely contribute my Endeavours towards suppressing all Dicorders, & whatsoever may give Just offence to ye sober people of

ye place, and I assure you no act of mine shall be designed to weaken your power in ye Just discharge of your Duty, nor this order of ye Queens to skreen any Enormities. I desire you to be strict & carefull in suppressing of Vice & Disorders, & you shall find a ready Concurrence from me in so laudable an undertaking.

3d Octobr., 1704.

Annual Address to the Assembly.

GENTLEMEN: I MUST TAKE NOTICE TO YOU, (and I cannot do it but with very great concern,) that notwithstanding my hearty desires and uttermost Efforts for the Publick Service, time has been hetherto wholly lost, and favourable Opportunities for providing for the Exigencies of the Government, and making Good and wholesome Laws, for the Security and Happiness of the people, and other matters of Importance, which I Recommended to the last Assembly's Care & Consideration, have been altogether neglected. Gentlemen, as nothing hitherto has been done, the same things remain still to be Recommended now to you as were before.

In the first Place, to Consider well that nothing can Import more to the Safety and Happiness of a Governmt, then well regulated Legislative powers, and a due administration of Justice, as fair an opportunity of Effectually Establishing, which still offers to you as can be wished, and as I am duly Invested with full powers, to Enact you whatever Laws shall be thought for your Good, So you shall always find in me a Ready Concurrence thereto. I Likewise laid before you Last assembly, (as I now Recommend the same to you, Her Sacred Majesty, the Queen's Commands to this Province, relating to ye summ mentioned in the late Kings Letter,

to help towards ye Defraying such Charges as the Government of N. Y. is necessarily obliged to bear for our common Interest & safety, with other her Majesties repeated Comands on that head, by several Letters Come to my hands, all which I shall be Ready to Lay before you in fitt Time.

Gentlemen: Another matter I shall Earnestly Recomend to yours, (as I did to the former Assembly's), Serious Consideration, which is the necessity of supporting and maintaining ye Dignity of Govrt in all its Branches, a Duty Indispensably Incumbent on those who are nearly Concerned in it, as you who are Intrusted by the People In so large a share of Legislation, and without which no wheel of Govert Can move, for Gentlemen, 'tis not only he that Govers Can answerably Live as becomes them, but no Exigence of State what Ever can be prevented or timely answer'd without it.

Gentlemen: There is another thing demands your Care and thoughts, wch is yt all due regard and Caution be had to the Indians, and In a particular manner to those who are suffered to goe among them, for some Late Circumstances give us occasion to Provide, that those who are concerned with them, be persons hearty to the English Intrs and Government.

What Else there may be of moment, & necessary will naturally Call for your assistance. However, this is what at Present Occurs.

What ever it has been, that as hitherto rendered all our Late Endeavours for the Common Good, Abortive & Ineffectuall, I shall not touch upon. I Doubt not Gentlemen, but you are truly sensible with that things of So great moment, as I have Laid before you, & so Essential to the very Existence, as well as the well being of a Govt. Ought to Claim your chief and first Thoughts, and that you are Come together with a full Resolution, forthwith to proceeds to such Business

without Delay. I promise You Gentlement, I shall never recommend any thing to you, but what shall be suitable to my Earnest wishes, for the welfare and prosperity of the Government, and I heartily entreat, that nothing may appear but a publick and a Disinterested spirit in every one, becoming the Character you bear: for my part, you shall Ever find me devoted to the publick service, firm to my Duty and the trust reposed in me by the Queen and the Propy, and your hearty friend on all occasions.

I desire that no surmises may be entertained, nor Such reports as some have industriously spread to my disadvantage be hearkened to.

17th Octobr. 1704.

Concerning a Demand for the Governor's Action upon the Affairs of a Former Assembly.

GENTLEMEN: THE GOVR AND COUNCIL DOE Coceive the Request of the House by their last message, wherein the present Assembly desire an answer to the address of a former, not to be a regular method till it shall appear that the matter of the said address be more Especially made the opinion of this present house, which when the Govr shall understand he will be ready to answer.

19th Octobr. 1704.

Second Message Concerning a Demand for the Governor's Action upon the Affairs of a Former Assembly.

TO YOUR LAST ADDRESS, THE GOVR ANSWERED (as before,) that notwithstanding any request made of an answer to this assembly, to the address of the last, He conceives You ought not to

Expect his opinion of any address or bill, but such only as shall come from this present assembly, by votes of the House. To which, after due deliberation, you shall have his assent or negative, as the Case in Justice may require. The Delays in the Last assembly were unpleasant to all, and ought to be now avoided, and the occasions of them the Governor Cannot forbear putting you once more in mind, that you are now Convened for the publick service, which ought to be your only aim. Excluding all other designe, the Govr has been and is still ready to receive what Ever you shall propose for that Service, desiring that nothing Unnecessary or untimely may Interpose, whereby his good Designe for the common welfare and Tranquillity will be frustrated.

23d Octobr. 1704.

Concerning the Failure of the Assembly to attend the Governor in Person upon his Command.

HAVING BY A MESSAGE TO THE HOUSE THIS morning, required ye attendance of ye whole House, to the End that the matters that are now in debate between us may, if Possible, be accommodated, without further loss of time, which message, tho' of Great Importance and so good a tendency, the Govr is Extreemly surprized to find not Comply'd with, according to the known Duty of the House, when the publick service requires it.

The Govr therefore Informs the House, (since it seems by the answer Question'd,) that it is his undoubted Right and never yett disputed, and that no Couleour of reason can be urged to the Contrary, nor can he seen what Judgment can be made of a Refusall, Consistent with an Inclination to Dispatch the Business before the House, for the Ease and welfare of the Countrey.

If they persist in this Resolution, and deny so requisite a Discharge of their Duty, He must take notice of it as a failure, & insist upon the Last amendmt to the bill as sent from the Council, without further argument upon it, Seeing they are not willing to agree to the most proper expedients to come to a right understanding.

8th November, 1704.

Further Concerning the Failure of the Assembly to
Attend the Governor.

GENTLEMEN:

Seeing you have thought fitt not to afford me an opportunity of speaking to you, I must now take this method in writing, to acquaint you that when you mett almost a month agoe, I hoped by this time we should have dispatched some of the Important affairs before us for the publick Good.

But by the measures that are taken, there are Continually such obstructions thrown in the way, that I cannot, but with trouble, reflect on the Loss of so much time to so little purpose.

I have always been willing to grant all on my part, that I could believe consistent with my Honr, and the Trust reposed in me. In the Bill Last under Debate, there are some things Offered that I cannot assent to, but for adjusting it, I was of opinion that the most Effectual method would be to acquaint Every Representative in the House, being all Equally Concerned for the people with my Reasons, and Endeavor to accommodate the Difference by a free Conference with the whole House of Delegates of the people. Committed to my Charge, which I must still say is my Right, for none can with any Colour of Justice dispute of my privilege of Speaking to all men In my Governmt as I shall see

Occasion, seeing I desire not by it to Invade any privilege of the people, But aim at their own good.

But instead of Effecting this, there is now started the most Unaccountable & unpresided objection that as been heard of, which under pretence of Parliamentary privileges, that there is no manner of Occasion given to dispute, Can have no other Consequence than what has been the effect of this, viz: ye Loss of time and delay of Business.

I desire You Gentlemen, as you tender the welfare of the people whom you Represent, seriously to Consider what must be the event of such measures if still persisted in, and how the Loss of the Opportunities now putt into your hands, Can be accounted for hereafter, should they once be slipt past retreiving, which cannot but be reasonably Expected, if no other methods be taken.

I have no ends of my own to Carry on but what are also Interwoven with your Honr & welfare, and if there be any others, that for sinister Designe Cannot wish well to the present administration, I would willingly hope you would always use measures to disapoint them, which cannot be by any other means than by heartly studying and Union in all parts of Govrmt, and endeavouring to Close up any difference that may arise and not make them wider; to remove and prevent Difficulties and not start or Insist on them, to which good End I have been troubled to see some of your messages not to have a tendency as our frds. might wish for.

I shall not give myself leave to believe such Expressions of undecency as I have sometimes received are really the sentiments of the people of this province, Now represented by your House; for they have never had Cause for it, and am sorry to think there should be any who can use a Language that is so far from appearing to be Dictate of a mind Disposed to Union; and to see you so needlessly take an occasion to mention

the Council which so little Respect on a point that I always took to be fully understood between us, those gentlemen that are pleased to spend their time in assisting me at the Council board for the public service, without any reward, ought in Justice to be duly regarded in their Stations by every man that is for supporting the Honour of Government and wishes well to its prosperity.

My time is now near Expired that designed (as you have been told before) for this session, & I am obliged for some time to be at Newcastle, I therefore must now only require the answer that is demand'd to another paper sent here, and then think it proper that to morrow you be adjourned to the first day of March next unless the occasions of the Government Require you to be Called together sooner; and I desire you against next meeting, which I hope will more Effectually answer the publick Good, to Come to a full Resolution to Guard against all things that may retard business; to maintain and fortify Your real Privileges as Englishmen, which is the power of making yourselves by the benefit of your Constitution in a great measure happy, and not weaken or render them fruitless by tedious delays in unnecessary Scrutinies into their Extent; to Consider that no Government Can Be happy but where there is an Union between its parts, and that the real Interest of Both Governments and the Governed are Interwoven; And to remember that none of you are to act now as private men or to use any private Resentments, But are all Concerned for the Wellfare of the whole province, to which if you neglect to make what provision lies in your power, the whole Government Suffers by it.

10th Novembr, 1704.

To the Assembly Concerning a Remonstrance Sent to the Proprietary.

GENTLEMENT: I HAVE BEEN CREDIBLY INFORMED by Severall persons that there as been lately sent over to the proprietary and Chief Govr in the name of the Assembly of this province a Letter of Remonstrance, Complaining (as tis said) of several Grievances, Both in property and in Governt, that required to be Redressed.

As the Proptr. has taken care that the should be fully Represented in both these here upon the spot, So I cannot but with reason admire and tell you I am highly Concerned that Remonstrances of any kind should be made and sent home without first acquainting me, in affairs relating to the Governt, and those Gentlemen who are Concerned in affairs of Property having Expressed the same in relation to themselves, Joyn with me thus far Letting you know our thoughts.

It is without Question, my undoubted right to be Informed of what as past of kind like this, and application in all affairs relateing to the Government Should be made to me, who am sufficiently Invested with due power to Redress the Grievances thereof, and have the opportunity of Inquiring into the true state of affairs before they shall be heard of any farther, and reason it self will say, there is no Justice due to the proprietary Deputies the Commissioners.

I require not this Gentlemen of you, the present Assembly, as if I understood it to be your Immediate act, but as you are the Representatives of the people, and successors to the former Assembly, you have all things in your power, that are or have been Transacted in that House, and therefore Lett you know that I think it my right to Be fully acquainted with that Letter, seeing it must needs have been the Result of some vote, and accordingly, I desire a true authentick Copy of it as soon

as it can be drawn, may be Delivered to me, and I assure you whatever is Remonstrated in it that lies in my power to redress, I shall take proper measures in it to the best of my power, and the same I have reason to believe will be done by the Commissioners.

10th Novembr, 1704.

To the Assembly Concerning the Election of the
Sheriff of Philadelphia.

GENTLEMEN:

In answer to your address Concerning the Sherif of Philadelphia, I assure you, that it is in no Respect owing to an inclination to violate the Charter, or break any Privileges of the People, (for I shall always be as tender of these as any man,) that I have not Commissioned another person upon the Last Election, but to my Opinion, which I think is well Grounded, that the peoples right to Choose by the Charter returns not till next year. I never was of opinion that the people have not the privilege of Electing, (and my words there are misrepresented,) but that they cannot Elect Every Year is plain, by the same Charter that gives them this privilege. What disputes may arise hereafter upon this head, I have been willing to Joyn with you to prevent in the Bill Last in debate, and the misunderstanding this present year Can be of no great Consequence, seeing the place is sufficiently supplied; however, I shall take it further into Consideration.

I wait for the Copy of the Remonstrance which I yesterday desired, before I Leave the town, on which I depend, as already Ordered, or to be Ordered before you rise. And for this time I dismiss you from this

present day to the first Munday In May next, unless you receive notice from me to mett sooner.

Signed.

JOHN EVANS.

11th Nov. 1704.

Introductory Address to the Assembly.

GENTLEMEN: DIFFICULTIES DAYLY ARISING from your proceedings before our last parting, & being necessarily called away to attend the Business of Governmt Elsewhere, I deferr'd your meeting for so Long a time that I might have the sentiments of the Proprietr in matters of such Importance as were laid before me, which is now very seasonably arrived.

The propr., Gentlemen, is far from agreeing with you in opinion in these matters; that he is greatly surprized to see, Instead of Suitable supplies for the Maintenance of Governmt and Defraying Publick Charges for the Publick safety, Time only Lost (while his Constant Expences runs on) in Disputes upon heads wch he had fully settled before his Departure as Could on the best Precautions be thought convenient or Reasonable, Even at a time when he was leaving you in doubt whether it would be possible to divert the Bill then moving In Parliamt, for annexing all these Governmts to the Crown, which being no wdiverted and himself secure in the possession of his Rights so long as his Circumstances shall render the administration of it Practicable; He his the more astonished to find you for who's sake Chiefly and not is own, he has undergone his late fatigue & Expensive troubles in maintaining it, express no greater a sense of Gratitude than has hitherto appeared. The Propts. also further assures us that had these three Bills (of which Copies were sent home) been past into acts here, the they had Certainly

been vacated by her Majesty, being look on by men of skill, to whom they have been shewn as very great absurdities.

But what I must not be silent in is, that he Highly resents that heinous Indignity and most scandalous treatment he has met with in the Letters directed not only to himself, but to be shewn to some other persons disaffected to him in the name of the assembly and People of this province, of which I formerly demanded a Copy, but was denied it, under pretence (when it was too late) that it should be recalled. If that Lettr was the act of the People truly represented, He thinks such proceedings are sufficient to Cancel all obligations of care over them, but if done by particular persons only, and 'tis an imposture in the name of the whole, he expects the Country will purge themselves, and take Care that due satisfaction be given him.

Gentlemen:

What I have now to lay before you is, That you have long Injoyed a happy state of Peace and Tranquility, without any such Charge or Oppression as is too Common to some other places of which, if you Expect the Continuance under the Propriets administration, you must resolve to take measures that will answer the End of Governmt, and recommend you to the Consideration of the ministry at home. England, our Generall mother, who will always think she as Reason to influence and Direct the affairs of all her dependent Dominions not only at all times, makes ample provision for the Support of the Regency, but all this Juncture is deeply Engaged in a most Expensive and Dangerous Warr, for maintaining the Balance of Europe, While here for some years past, there as not been one penny of publick money raised, Either for the subsistence of the Govrmt, or to defray the Charges of so much as a message or Scout upon any important

occasion, tho wee are so manifestly surrounded wth dangers from Enemies, both by sea and Land. How this will recommend us to our Superiors, or the tolerable opinion of any Considerate man, I need not, I suppose, spend time to make you further Sensible. But this I can assure you, that unless you Lay these things to heart & for you own sakes, if not for his, make a speedy and suitable Provision, the Proprietrs will withdraw his Care, and no Long(er Contend with the many oppositions he has perpetually mett with, to his vast trouble and Charge, for Continuing to you the Privileges you have hitherto happily Enjoyed.

We are alarmed on all hands at this time, with the account of Privateers Intending to Visit our Coasts, and the Indians, Especially to the Southward, are Certainly affirmed to be in a Genrll. Commotion, and therefore it requires our Immediate Care to secure our own and neighbors, By Treaties, which as they always Carry a Certain Charge with them, so they must be Considered. I have hitherto been very ready, and always shall while duly Incouraged, to do all for the Publicks safty that lies in my power; but without some necessary funds for it, 'tis Impossible for me to proceed. Trade likewise labors under great Inconveniences, as ye merchts. frequently Complain, & Call for a Regulation by some wholesome Law, that after the prudent Examples of other Govrmts. might render it more advantageous to those of the place, a Care of which might not only answer this good and more Immediately aimed at, but likewise be made a Branch of such proportionable Revenue as is necessary to all Governments; & this, with the other heads mentioned before, together with the Regulation of Courts of Judicature, I must seriously Recommend to you.

To sum up what I have to say I conjure you, Gentlemen, as you will answer it to God and the Country you represent, to Consider and seriously lay to heart your

present Condition. You Contend and Raise Continual scruples about your Privileges, which have not been attempt'd to be violated, but seem to neglect what is truly so and of the Greatest Importance to you: Let it not be hereafter told that what the more open Enemies of this Govmt. Could not hitherto Effect, You have been made Instruments in the Hands of Designing men to bring to pass of yorselves. The Proprietor who till well Know has hitherto supported the Govmt. upon such Treatmt. as he has mett with is frequently solicited to resign and throw up all without any further Care. But his tenderness to those in the place whom he knows to be still True and Honest, prevails with him to give the People yet an Opportunity of Shewing what they will doe before all be Brought to a Closing Period; methods have been taking to provoke him to this that there might be the greater Shew of Blame for it when done, though it Could not be avoided. But assure yourselves he will be Justified by all Reasonable men for withdrawing the Exercise of his Care over those that being so often Invited to it would take so little of themselves. The Queen's most Gracious Majesty will doubtless be Indulgent to all her loving Subjects, but a People that Contributes nothing to support the Burthen of affairs at home will in vain Expect from the ministry Greater Privileges at such a Distance than those Enjoy more Immediately under her Care who pay's towards her Majesty's Service an Equal Share with all others. No Particular Privileges can be hoped for or depended on here but what are Grounded on the Royall Charter to ye Proprietr. and to obtain these successfully requires a more Powerfull Interest & stronger Intercession than any in the parts can pretend to make. Those who Pretend to Perswade you to the Contrary will be found to amuse you to no purpose, and your Eyes may be opened when it is to Late. You are therefore now to Consider your own Interest, which

Chiefly lies at stake, while you have an opportunity let not any artifices prevail to make you forfeit it.

I have told you the only methods can be used to recommend you successfully to ye Crown, Viz: a Suitable provision for the support of Government and safety of her Majesty's subjects; if you neglect to put them in practice, what Ever the Event may be, it will lie at yor own doors.

This I am Constrained as well for her Most Sacred Majesties Service, as in Duty to the Proprietr., to lay before you, and Expect a Suitable answer not in words only, but such Effects as becomes the Trust reposed in You.

11th Mar. 1705.

To the Assembly Concerning the Replacing of Members Lost, and Other Matters.

TO DAY BEING THE FIRST TIME THE GOVR has had due notice of the Loss of Two members or Representatives for the County of Bucks, He will issue his writt without delay, and will order the Sherif, as 'tis usual in the Perliamt. of Engld. in like Cases, to return the writt forthwith when Executed, and that the members to be Chosen with all Convenient speed, repair to the service of the House. But if tis designed by this message, to know a Certain day to which the House may be adjourned, as was mentioned this morning at the Council Board, by ye Speaker. The Govr. Informs the House, that he Conceives the matters recommended to them in his speech to be of such importance that they will not admitt of any Delay, and the House being now sufficiently full to goe on with any business if they are Inclinaire to it, and the Govr. being also Obliged to be at New Castle, on the 23d of this

month, He Expect the house will forthwith, without any further loss of time, apply themselves to the Consideration of what is laid before them, and will not Consent to an adjournment untill they have taken some due notice of the same.

The Govr. further requires, that such members of the Council as he appoints for that purpose have access to the Journal of the house, and that they may have Copies of such parts of it as are or shall be thought convenient by them to be taken.

11 Mar. 1705.

To the Assembly Concerning Sundry Legislation, and in Particular the Payment of Monies due the Proprietary.

AS TO THE LAWS SENT HOME IN THE YEAR 1701, or soon after), the Governr. can only Inform The Proprietr. has advised That they long lay before ye attorney Genrll., for want of a Large fee to Obtain his report to the Lords of Trade, that the Propriet. having already, since his Last arrival, Expended above £2000 in London, where absent from his family, he has spent most of his time in attending ye affairs of this Governmt., found and still finds it an unsupportable hardship to advance the Necessary summs to Carry business forward, But at Length notwithstanding they are Reported.

As to the Bills that were Lying before him the Last sessions, The Governr. is much Discouraged from proceeding any further, or spending more time, Considering how much has already been Lost on one of them to very Little purpose, he believes that the obligation between the Proprietr. and the People to be Equal on both sides; that at the same time they desire a perpetual Law to secure them Effectually in all things they can crave Either in Liberty or Property. they

ought to take the same Care to make the Proprietr. as easy in his affairs. That tedious Bill of Property is fitted so Intirely for the Peoples Interest, with not only no Regard to the Propr., (whatever is pretended,) but so manifestly to his Injury, that it seems strange how reasonable men Could, without some Confusion offer it, and not think at the same time of an Equivalent on the other side, which ought always to arise in the House and not from the Governr. This Equivalent, the Govr. is of opinion, ought to be a settled Revenue for the support of Governmt. and Defraying all Publick Charges, by such a provision as his made in all other Trading English Colonies, Where ye Yearly Emolumts. of the Govmt. are Generally Sufficient to support it. Whereas, there is nothing here but to ye Scandal of the place, all is done at ye Proprietrs. Charge, Nor can the Govr. believe that such a Provision is any favour or Bounty to the Proprietr. all he craves is that would support your selves, Now you are more able to doe it yn He who as to Long bore the Charge, and then you will not want his favour and Protection to the Utmost.

What as hitherto been given to the Proprietr. has been very poorly paid, and even some of the Psnt. House have Contemptuously & obstinately opposed ye Collecting of it, and yet this was for the time past only since, which there are now above four Years Elapsed without any further provision, tho' ye publick Charge has Constantly run on.

The Govr. therefore letts the House know, that if they shall think fitt to take into Consideration such a settlement as is before mentioned, that the Country may bear its own Charges, and show such a Hearty Inclination as may induce him to believe they are in Earnest, he will at the same time be ready to Confirm all things to the People that Can be thought In any wise due to them in Equity or Justice. Always having an Equal Right to the Proprietrs. just Interest.

16th Mar. 1705.

To the Assembly Further Concerning the Money
Charges.

GENTLEMEN: HAVING CONSIDERED YOUR last address, I find many things alledged that in Justice to the Proprietr. and the publick would require the sharpest animadversions.

They seem to proceed from a spirit so intirely Disaffected to the Proprietr. and his just Interest, that to Enter upon a full Examination of them would necessarily draw to a very high Resentmt., wch I am by all means desirous to avoid, that business may not be retarded, I shall but just mention them to lett you see I am not unsensible of their bitterness, & observe that your Diminishing the founder and father of ye Countrey Into an Agent for it, Your Charging him with £2000 for the Expençe of That agency which is so well known to have been granted on another Bottom; Your laying the Burthen of Transmitting the Lawes home upon the Proprietr. as an obligation and offering to Ease him only some part of the necessary Charge as a favour, when the Laws being for ye Countreys Service, only the whole in Justice ought to Ley at their Door; Your lessening his Tedious and expensive Endeavours to serve and support the Countrey by the most Unequal Comparison; Your groundless and Injurious assertion of the first agreemt. to pay Quitt rents; Your now mentioning and Charging him with Thomas Loyds Expences, and Taxing him for his Stay in England to serve the Public Interest of your own friends; and Lastly ye Countenancing the refractory in their disobedience to a Law already past for Granting the Proprietr. £2000 at the same time that Charge him with the Receipt of it, are Passages that amaze and would Exceed the Belief of any Reasonable man that as not seen them Come from you; they look to much Like marks of an Inclination only to perplex and Divert

Business; But being still of opinion that these measures are not the result of the Real estiments of the good People of Pensilvania I shall take no further notice of them, but waving the whole shall proceed if you will leave any room for it to take all Convenient measures for advancing the Public Good and Providing for its safety, notwithstanding so unjust and undeserved a Treatment.

What you chiefly desire in the address relates to ye Lawes sent home, and the Bill of Property; of the first I have no account what are approved by the attorney Genll., or wht are otherwise, the Proprietry was in too much trouble upon what he mette with from hence, to be at that time particular, besides that the attorney's Report is no Determination.

For the Bill of Property, perceiving that ye Proprietr. Himself, while here, who was the principal party, and the Representatives who were the other, had after mature Consideration and Long Debates, agreed and settled all things relating to the peoples rights and Estates, and fully Secured them in the their Enjoyment of them, by an act or Law in being, I could not acquit myself of presumption, if instead of applying myself to matters of Governmt., I should take upon me to add or alter what he hone done in matters Relatting solely to his own Estate, of which he alone (as they concerning himself) is the proper Judge, Yet that I may not be wanting in anything Consistent with the just Discharge of my Trust, that may Render the people more Easy, I shall Concurr with you in Strengthening & Confirming what the Proprietr. assented to in that act. You at the same time shewing the same Regard to his affairs. What other things are in the Bill, which affect not ye Proprietr. so immediately, I shall be willing to pass in a proper act by themselves, and if any thing more be wanting, that does not Concern the Proprietrs. Estate, and his not fully Exprest in the act of Property

already made, it may be past in another Act, with a proviso, that it shall not be in force, unless the Proprietr. himself shall assent to it. But upon a Just Inquiry, I doubt not but what is before proposed, will be found Sufficient to render all that are Concerned very Secure and Easy, if the Peacable Enjoyment of the Estates be the only thing desired.

As for the only reserve you make upon your resolution to provide for the Support of the Publick, You shall always find me as ready as you possible Can be, to Concur with you in all things that I shall think Consistent with my honour, and agreeable to a just Discharge of the Trust Reposed in me.

20th June, 1705.

To the Assembly Concerning the Disciplining of a
"Pernicious" Member.

GENTLEMEN:

I must further acquaint you that Wm. Biles, a member of ye House, having used the most scandalous and Seditious Expressions against my self, importing a Designe to oppose the Queens, and the Proprietr. Authority Duly invested in me, and thereby Subverted the Peace and Quiet of the Governmt., for wch he has been Prosecuted by due Course of Law, as by the Records of the County Courts of Philad. will appr. I expect you will forthwith purge Yourselves of the Contagion of the said pernicious member, and shew your just Resentments by Expelling him from the House, and that you will send me your Result upon it without Delay.

20th June, 1705.

Further to the Assembly Concerning the Disciplining
of Recalcitrant Members.

GENTLEMEN: I RECEIVED SUCH AN ANSWER to my last message in which I demanded that you should Shew your Just Resentmnts. upon the abuses I had recd. from one of yr members, that in the time I have had it by me, I can assure you I can scarce come to a Resolution in my self what notion to Entertain of it.

I told you that your Last address alledged many things wch I summ'd up to you, that would Require the sharpest animadversions and lead to very high Resentmnts. but I was willing to wave them all through a desire to Carry on ye Business of the Publick, that this might by no means be retarded, what Ever Treatment I should mett with.

And what I proposed to you in my message relating to that member, I took to be one of the best opportunity's I could give you of proving yourselves well affected to the Present settled Governmt., and I did not Doubt but while you Desired that any should believe you Disposed to study peace and Live in Obedience to the Queens and Proprietr. authority, you would Readily lay hold on the occasion to Declare your abhorrence of Every thing that tended to so pernicious a Consequence, and that you would instantly purge your Selves from a Contagion by driving him from among you.

But instead of this you Espouse his Cause and at the same time tell me what is Extreemly absurd; You say that as the words are not alledged to have been spoken in the house, you doe not Conceive they ffall under your examination, and Declare you will show your just Resentmnts. of all Indignities that shall be offered me in any thing that may properly fall under your Consuance, wch Implies upon your passing by this that nothing spoke out of the house falls under your notice.

And again you acquaint me that it is against the Liberties and Privileges of the house that any member duly elected be drawn to appear at any Inferior Court of the Province, if therefore he must neither answer in assembly nor out of it, a member once Chosen as Liberty to doe and speak what he pleases out of the house and is not accountable for it, he is Lawless and without Bounds, and may sett up his own will & pleasure for the only rule of his Conduct, no abuses, no manaces agst. the Governmt. are even sufficient to have a member expelled, for you Expressly tell me that you doe not find the Grounds of this message, wch is that a members threatening to kick out a Govr. duly invested with all legal authority derived from the Crown to be sufficient to induce you to Expell him the house.

I can scarcely perswade my self, Gentlemen, but that those who lead you on those absurdities, have really plotted to Expose you as a people, to the Contempt and ridicule of all that shall know you, or hear of your Proceedings, for can your Enemies wish that you would betray Yourselves to a greater degree, than that while you Declare Even selft defence to be agst. your Christian Principles, yet a noted member shall avow his Intention to Oppose, Subvert, and drive out a regular authority, and the Representatives of ye People stand by and support him in it, & under pretence of Priviledges, that you can with no more Justice Claim than you Can act, what that member threatned, for in first Place, in England there are no such Priviledges known as you pretend to; & 2dly, if there were yet none in Amia. has such an inherent Right to them.

But this I shall leave, and now must acquaint you, that as the latter end of the Second annual assembly, Since my arrival, draws nigh, and yett not once act is past, or anything done for the support of the Publick, and you desireing, because of the season to be adjourn'd, Considering how our time, Especially this last

year, as been spent in Scarce any thing But messages and answers, as if your whole Business lay in Shewing your Skill to draw them; I have very Little of seeing any thing done for the Publick Good while ye Present temper holds; and therefore, in Expectation that the next time I meet the Country, I shall find the Representatives better disposed, unless they are resolved to draw on their heads that Change wch Some, under much different pretences, and wth another so Eagerly Contend for and Endeavour, and knowing it Inconsistent with my Honour to advise wth a person, or his abettors, who have offered me such Indignities, I shall for this time dismiss you till you hear further from me, & you are hereby Dismissed accordingly.

[This Speech is taken from a draught writt before the Govr. deld. it, wch tho' he did not in ye same express words yett he spoke the substance of the whole.]

Introductory Address to the Assembly.

GENTLEMEN: TWO ANNUAL ASSEMBLIES have Sett and been fully ended Since I arrived in this Province invested with all Due Powers for the happy Govermt. of ye People, and yet we have not had ye satisfaction to see one act brought to Effect for the Publick Good and safety.

I shall forbear at this time to make any narrow Inquiries into the unhappy causes of our failing of so good an End, but assure you this that nothing would have yielded me a greater satisfaction than to have seen ye Business of the Publick successfully Carried on, and that as I have been so I shall alwayes be ready to agree to any reasonable Bill the People can desire that are consistent with my honour & trust, more then

which will not be Expected from men of Reason and Judgement.

That time has been rispent even when their seemed a more then ordinary necessity of makeing the best use & advantage of it, is very Evident to the People of this Province in Generall, who I doubt not have made choice of Such as will by a more Earnest and hearty application for the future to the Business that necessarily fall under their Care and Consideration, unanimously Endeavour to retrieve as much as possibly the honour and Credit of the Province, and Consider the happiness they Enjoy in an opportunity still afforded to them to make themselves as Easy and secure as good and wholesome Laws can doe.

I hope you are now mett with a full Resolution to make use of this Opportunity by taking the most Effectual measure to Provide ffor ye honour & safety of ye Province, & shew yourselves subjects and Truly Deserving the ffavours of our most Gracious & Glorious sovereign, her Present Maj'ty., & pay gratefull acknowledgements to ye Propty. for his continuer Care over you, & consider your own happiness not only for ye present but for ye future ye far as you are Capable.

I Conceive the best method for this to be to take care yt ye dignity of Govermt. in all its branches be supported proportionably as in the Kingdom under her majties. more Immediate View, as we have ye great happiness to be part of her Majestys Dominions, that we may be made as usefull as can possible be Consistent with ye Circumstances of the place to that Kingdome, That Justice be duly administered & that all her Majestys subjects be made Easey & happy under her auspicious Reign. That at ye same time you may Remember the Proprts. is Invested wth all ye Powers of Govermt. under the Queen, that throught him they pass from the Crown, Therefore a high regard must be had to his honour and his Just Interest. By this

means you may longer Enjoy ye Same Present administration, & by your prudent measures and Regular Settlement, Reflect an honour upon her Maties. Government. It is a thing now so generally understood that it may be needless to tell you that Government being for the sake of the people, tis ye peoples business as farr as in ym. lies to support it, what is allready said on yt head will be sufficient to Lead you to a full Consideration of what may be found in Justice due; Containing this Perticular, I think my self obliged to Remark to you that as Governmt. must be kept up in a Constant administration, so necessary supplies for the support of it should be as Constant and fixt. Rule always a settle Revenue proportionable to ye known Comon & Continual. It has been ye Concern of many to know whats become of the Laws already past here, and I am now able to tell you that at length the Queens attorney Genr. has made his Report of them to the Lords of Trade & plantations, in which he has objected against above 30 of them, & rendered his Reasons of his objections. This Report I shall lay before you being sent over by the propr. That before her Majesty send her Repeal you may have an opportunity of Enacting such of them again as Can be Clear'd of those objections will requir you Imemdiat Care and application.

You will soon Perceive gentlemen, from what has been mentioned yt ye business before you is of the greast Importance, you have the Government to Provide for, These Laws to Reenact, a Divers others will doubtless occur to be added, a Due provision for the security of the Plase as farr as may be, in those dangerous times of warr, Especially with Regard to the Indians who are to be secured in our Interest, the Regulation of Courts of Judicature, and Encouragemt. of Trade & Returns to England upon a Late act of Parliament in favour of ye Plantation.

The full settlemt. of the Property, & your own just Rights & Interest, the reforming divers abuses among sailors and others, that have crept into seince ye Last Laws that have been past. The Suppression of Vice will require your Earnest care, more one of which are matters of concern upon all wch it may seem needless to Recommend to your Unanimity & Dispatch, the only means to bring all happily to Effect.

And in ye meantime direct you to applye heartily, and with a sincere Zeal for the Common good of whats laid before you.

Introductory Address to the Assembly.

GENTLEMEN:

The manifest Danger with wch all these, her Majestie's Colonies in America are at his time Treatned from a powerful and active Enemy, has with great reason alarm'd every Govmt. round us, and put them upon taking the best measures they can find practicable for their Defence; And as this Province makes also a part of her Majesties Dominions, and is peopled wth her subjects, whose lives and fortunes are of equal concernmt. to her Majesty. I think myself obliged, in pursuance of the Trust reposed in me, as well by her most Sacred Majesty as by the Propr. to use the same care and endeavours for their safety that can be used in any other of her Majesties Govmts., otherwise I should be inexcusable now at a time especially when the Ruin of at least two of our Islands and their Inhabits. has taught us what we have to fear. Since my arrival here, Gent., I have done all in my Own power to raise & regulate the Militia to the best advantage that the Circumstances of the place would bear, but it has manifestly appeared yt this, without the Concurrence of the whole Countrey by a Law, will not effectual;

Besides that some place of Security in Case of an attack, will be of the same necessity here that it is found to be in all other towns in her Majesty's Dominions that lie exposed to an Enemy.

That you might have an Opportunity of Considering these things, and that we might all contribute to the best of our Power to make a suitable provision after the example of the Rest of her Majestie's subjects, is the occasion of your being now Called together, the matter is of great Importance & tho' I am Sensible that with you it may carry some Difficulties with it, yet I would willingly hope that upon a close application of your thoughts, some measures may be found to render all her Majesties Subjects here, as safe and easy in point of Defence as in the rest of her Majesties Dominions.

25th June, 1706.

Introductory Address to the Assembly.

GENTLEMEN:

Having about 2 or 3 months ago reced. from the Proprietr. an Order of the Queen in Council repealing divers of our Laws, principally for reasons given by her Majesties attorney Genl. which were laid before the Assembly last year, I thought fitt to call together that Assembly then in being on the 18th of last month to provide especially for the Establishmt. of Courts of Judicature in this Province by a Law, the former for that purpose being among others repealed.

But that Assembly finding themselves straitned in time & believing the matter to be of too high Importance to be precipitated, requested I would refer the Consideration of it to this present Assembly, and that notwithstanding, by the Royal Charter to the Propy., I stood invested with sufficient Powers to Estab-

lish all necessary Courts by an Ordinance, I would defer it till your meeting, that the Courts might rather be settled by a Law, as they have formerly been, than by any other means.

ffor these reasons I have Caused the Courts to be adjourned again, & I have further with the Council Ordered a Bill to be drawn up by the Practitioners of the Law in this place, upon certain heads resolved on by the Council, and as far as we Could find, not disagreeable to the sentiments of the late Assembly who had the matter under Consideration.

This Bill I desire you above all other things to proceed upon with all Possible dispatch & Expedition, that the Govmt. may no longer remain in the Condition it now is under a full stop to the Current of Justice by way of Judicature, for want of the Necessary Courts to administer it. And further that while you are about so good a work you would make Provision for the Encouragement of a Chief Justice whom you will find to be of absolute necessity for the Good of the Publick. The worthy Gentleman who has already accepted of a Commission for the place will easily determine yor. choice, and there wants only your encouragement to him to make this Govmt. as happy in the administration of Justice as such an officer can render it.

What other Laws have been repealed & not Re-enacted by the last assembly will also require your thoughts & Care, & for other matters I shall generally leave them to your own consideration only that I must recommend to you to take effectual Care that all the just Debts of the Countrey be discharged, the last Assembly have made Considerable advance towards this necessary work, but tis not to be thought they could finish it, twas fitt it should be done gradually & that the weight of the whole should not lie upon the election of one Year only, You will find upon due consideration, Gentlemen, that this is a matter that very highly

concerns the Honr. of the Publick, if the Publick faith & Credit be Considered as in well regulated states it is much above any particular; for Injustice in the Publick is more greivous that it can be in any Private member, for this reason, that there the Law Provides relief, but there there's none by Patience under the Oppression.

I mention this Gentlemen with the greater earnestness, because the necessity of Considering it in the last assembly has brought the matter more fully in view, and tho' they have done their Part, yet they will Doubtless find some things remaining that it will be incumbent on you to provide for; One of which I must particularly recommend to you, that you would take Care to oblige each particular County in the Province, to Discharge their Debts alike, the want of which has been long a Crying Grievance in this Govmt. and particularly in this Capital Colony of the place. This Gentlemen having given you sufficient Instructions to proceed to the Dispatch of what I have laid before you, I am to acquaint you that to morrow morning I am obliged to sett out for New Castle, where my stay will be very short, and when I return to you again I hope I shall find considerable advances made in the Bill for the regulations of Courts, which is already so prepared as will very much shorten the work.

Unanimity is so necessary to ye Dispatch of business, That I cant forget always to recommend it to you, and hope you will use it in all yor. Consultations, & you shall not fail of my Concurrence with you for the publick Good.

15th Octbr. 1706.

To the Assembly Concerning a Bill for Establishing
Courts of Judicature in the Province.

THE GOVR. HAD HOPES FROM THE EXPECTATIONS given him, that the Assembly having taken so long a time to answer his, & the Councils objections to ye Bill, they would have effectually accommodated the matters in Debate, that so it might pass in good time, and the Courts again might be enabled to do Justice to the Countrey, that begins now to be much oppress'd for want of the administration of it in a Judicial way, but the House appears by this answer to be so fixed upon their own proposals, as if nothing must be effected but at the price of granting whatever they request, whether it of Right belong to them or not. It might suffice to say, that the Govr. neither can nor will by any means agree to grant away any of those Rights which Indisputably belong to the Govrs. in Chief or his Lieut., such as the putting in & turning out of officers as he shall see occasion, fines & forfeitures, & the perquisites arising from the Licensing of Publick Houses. Yet that the House may be fully satisfied that the Govr. gives their proposals a deliberate Consideration as they request. He thinks fit, with the advice of the Council, further to take notice of each particular answer, as far as they Contain any thing new or remarkable, but for the rest he refers to the former objections.

1. The Govr. knows of no concealment of the reasons for repealing the late Bill, having never heard directly nor indirectly of any that were given. But as the scheme now proposed by the House, differs much more widely from ye Constitutions in most of her Majesties Colonies abroad, & from an English Establishment, than the Bills recommended to the House from this Board, so the latter might be much more likely to be

approved of in England, than yt now sent up by the House.

2. Considering the necessity and service of a Council, & the power granted them by the Queen in all her Govmts. abroad, they also perhaps deserve some more of those Civil Regards than have here been paid them. But if the Assembly would have their Assistance confined to matters of State only, the Govr. is of opinion, that the passing of a Bill into a Law is so much an act of State, as it Concerns her Majesty & the proprys. Interest, & the safety, well being & Interest of the subject, that he believes he would by no means answer his acting in such points without their advice and assistance. But when the House, to make use of any presence for laying their power aside, says, they can allow ye Council no more authority in Legislation than the Lords of Trade seem to doe in their objection to the Law for erecting Chester Bridge, which Objection is in these words: (The first Enacting Clause begins, Be it enacted by the authority aforesd, whereas there is only the Govr. & Council mention'd before.) They are desired seriously to Consider whether it become so great a part of Legislative power, of a Govr., as the House of Representatives, makes so unaccountable to misuse these Expressions of that Board.

The Lords Justly Tax the act with an absurdity, in Beginning the first enacting clause with, Be it Enacted by the authority aforesaid, with which no distinct act can begin, nor is there any authority mentioned before, but the Govr. & Council, who no where in the English dominions have or pretend to the power of Legislation without the Assembly; But it would be an abuse to common sense to imagine, that because by an objection, if this were the whole of what the Lords husted, that the Assembly is not mentioned; therefore 'tis an objection that the Council is mentioned; this will hold as strong agst. mentioning the Govr. himself in that act, & then the Assembly will have the whole Power. But this

was only as misprision in the Clerk, for the Council have neither in that Assembly, nor ever since claimed any vote in Legislation, Or if they did, 'tis not probable the Lords of Trade would object against it, since in all her Majestys Governmts. immediately under the Crown they have such votes. But a Govr. would Certainly find himself extreamly unsafe without a Council in affairs of this kind, since he is unaccountable for all the acts he passed, especially where Constitutions, Statutes, and Law books are quoted to him, if he must rely wholly on his own Knowledge & experience only.

The Bill presented to the House, has been proved to agree much better with ye best of Constitutions, viz: the English than the Bill presented by them, & 'tis strenuously alledged, that that agrees with no Known Constitution in the English Dominions, but that it secures in the foundations to be drawn from that of the Marches of Wales, which for its inconveniency, 'tis said has been abrogated by act of Parl., & therefore cannot be pleaded as a fit President to be Established here.

The Power granted to the proprietr. by the Royal Charter is sufficient to erect all our Courts, and so the best skill'd in the Law in that House have given their opinion, Yet the Govr. would rather choose it should be done by act of Assembly. But is this cannot be obtained without a much greater Inconveniency, such measures must be taken as the Govr. can best discharge his Duty & Trust by, to her Majy. and the Propr. and the Countrey; & if that should suffer for want of any further Provision, it will belong to them only to answer for it who are the Veasons of it, the Govr. is willing to establish Courts with the Concurrence of the Assembly; He craves no new grant to be made to him, why then should the Assembly press the Govr. to make new ones or otherwise halt in the discharge of their Duty, which now certainly is to open ye Currant of Justice, as if it were the Merit of an Assembly to devest the

Govr. of his power and render him useless as they would the Council.

3. Whether distinct Patents or the same is a matter indifferent, but the former objection still weights with the Govr. Justice cannot be so duly administered when the Judges are under no obligation to act. The Govr. has largely found the Difficulty of this Case; fit persons ought to be obliged to do this important Duty and be paid for it, the want of which has occasioned mischievous disappointments in this Govmt., especially in the Courts of Philadelphia. 'Tis a point of Civility in the Assembly to those they Represent to take up such assurances of their abilities; But the Govr. has certainly by Experience found it extreamly difficult both to find such persons and to perswade them to act, especially in such Cases as by this Act should be brought before the Provincial Judges; for which service none but men of the Law can be qualified.

4. This alteration is much more reasonable, but it should leave the same room for writts of Certiorari here as in England, as well after plea as before, according to the act of Parlmt. from which this is taken.

5. This is of no very great importance either way but the other is thought safest.

6. In the rest of her Majesty's Governmts. in Amarica the officers that have not their Commissions from the Crown are put in or turned out as the Govr. finds Cause, & the same Power being in the Govr. here, he is resolved not to grant it away; had the Assembly this Power already in ym 'tis supposed it would be in vain to intreat them to part with it, notwithstanding all other Govrs. had it. Why then should they ask what they would not grant, notwithstanding any Presidents that could be pleaded for it throughout the rest of the Queens Dominions in America.

7. What is proposed is the Practice of all these Govmts. (as far as this Board can be informed) in

America, 'tis no advantage to ye Govr., but 'tis every where abroad thought most reasonable that these persons who particularly Chosen to Consult in matter of State & of the greatest importance, should be Considered as the fittest to Judge in matters of Equity. Neither Govr. nor Council have reason to be fond of this, but as it might render the Board more Considerable in the Eyes of the People, so it might enduce ye most Considerable persons to engage in it, & thereby be greater security to the Countrey. The present Council here has never pretended to determine matters in Civil cases, & these Reflections in this Case are unkind, for the Proposal is not that the Council has held such a Power as the Govr. a Council, but as there must be a Court of Equity, and the Govr. and Council is made that Court in all others of the Queens Colonies. What reason can be given only the Council here should not be that Court, as well as in other places. But the aim in this as well as in some other cases, seems really to be to divest the Propr. & Govr. and all those about ym. of Power, otherwise why should matters in this Province be prest so differently from all the rest of the Queens Colonies?

8. This may be left.

9. The Assembly has Established the ffees, which 'tis not reasonable to expect should be given away. The Govmt. is not so well supported, as that any branch, however small, can be parted with; this method is contrary to the Practice of all men.

10. 'Tis an invasion of the Proprs. Right to attempt it, while the Govmt. is in him. The Lords Objection to that Law was that it ought not to be passed if the Propr. surrendered the Govmt. which when he does he must also surrender his Right to all the fines, but till that be done they are his, and if the Prop. took no other way to solve that, 'twas because he was then actually upon a Treaty about it, and when ever any such Treaty

shall be concluded, 'twill be properly solved by a Clause requiring those fines, &c. to the Crown.

11. The Corporation may fine as other Courts can, but then Remedial Writts are to be allowed, the denying of which in another Clause occasioned this just Objection.

12. 'Tis most proper that it should be as proposed in the objection, and if it be already settled by a Law, the same power may alter it in a Case where no body will be Injur'd by it only matters be more regularly settled.

13. The Govr. proposed to the House that fewer persons than were intended in ye Bill or rather more should be exempted from arrests, and to this they answer that they agree there shall be even more exempted yⁿ they at first proposed, for that follows upon leaving out that clause; this method of agreeing is not the way to bring matters nearer to close. The Govr. would have acquiesced with that part of the Bill being pleased with so considerable an amendment, but still wished it might yet have been made better, but admires to find it returned worse than before.

14. The design of Laws of this nature is to oblige men to be just that would not be so without them, for honesty is the greatest Law to itself, 'tis the knavish part of the world therefore, that in such cases must be guarded agst., and whatever may give such Persons a Greater Liberty is dangerous, But a General Jurisdiction would prevent this.

15. An intention to favour the oppressed is commendable, but there should be nothing intended by an act but what is plainly expressed, for when once in force 'tis not the intention but the letter is pleaded, and that in this act gave the Greatest Knaves as great a Privilege as the honestest man, equally as it tended to relieve the honest from oppression whether a Knave or honest. Vating Essays are dangerous, however Commendable the Intention may be; there might some

other objections be made to this Clause, as the Inconsistencies of it sentences no Provision for the Costs of suits, &c. But since there is so much necessity for Dispatencing the business in hand, such matters had better be brought into separate acts that may be with more leisure, especially since an objection agst. one single Clause is sufficient at home to Condemn a whole act.

16. This is spoke to in No. 7 & in No. 2, 8, 2.

17. This is likewise answered before.

18. This will not admit of a Debate at present, if the rest of the act could be settled, this might be the more easy adjusted.

19. The Govr. is very willing to have the fees settled, but there has been so much time lost that it cannot be now done early enough for this Bill; he has nothing against passing an Act for Establishing them, but time must be taken first to hear all the Respective officers, and that ye only reason of the former objection.

20. Till these objections be removed, the Govr. cannot assent to the Bill, Yet the Courts must be established which has been fully spoke to No. 2, 8, 3. The Case is short and plain, the assembly requests several things to be granted away from the Propr. & Govr. which are now his, and to this he will not agree; they desire some other new matters to be Enacted that were never known here before, which he thinks not safe for the Countrey, & therefore cannot assent to. If for reasons they will not join in a reasonable method to publish the Courts, the matter 'tis believed will be indeed want a vindication. The Govr. however, must without Delay see them established, of not with the Concurance of the Assembly, then by such other means as are in his Power and will best answer the Publick good, & in answer to the last Clause, 'tis hoped the Assembly will take no measures but such as they will be better able to vindicate, than their Refusal to dis-

charge so important a Duty if they should still unhappily insist on what they have offered. But upon the whole, they are desired to Consider that the business now is to serve the Countrey at a pinch and not a Trial of Skill, and to resolve that there may be no more time spent nor argumts. used upon this head, but what they immediately tend to bring the matter by the shortest methods to the desired Issue.

28th Nov. 1706.

Further to the Assembly Concerning the Establishment of Courts of Judicature.

THO' THE LAST RESOLVES OF THE HOUSE contain many abuses, Perversions & Reflections upon and against the Govmt., that must of necessity be animadversed on, Yet the Govr., for the service of the Countrey wch now deeply suffers by the full stop that is putt to the Curr. of Justice, is willing at this Juncture to wave that animadversion, to bring on the business in hand, viz: the Bill for Establishing Courts, & therefore proposes to the House to proceed on the said Bill as far as it directly relates to Establishing Courts & no otherwise, leaving out all those demands of such Powers and Rights as the Propr. & Govr. are now duly possess of, for these will by no means be granted away, & all such other matters as are not necessary to such a Bill, all which will appear by the Objections already made by the Govr. and sent to the House, and then the Govr. will concur with the assembly in enacting it without further delay.

18th Novembr., 1706. /

Concerning Sundry Actions of the Assembly.

THE GOVR., IN HIS LAST WRITTEN MESSAGE to the House, informed them, that notwithstanding in their former resolves there werẽ many abuses, &c. upon and against the Govmt., which required an animadversion yet for the service of the Publick, he was willing to wave them to bring on the business in hand, viz: the Bill of Courts, that the Current of Justice might be opened, & as he was willing to wave all resentmts, for so good an end, he hoped the House would have immediately proceeded according to the Method proposed, which he thought was very plain and Clear. But in answer to this, as if the were wholly insensible of any occasion given, they have more irreverently retorted upon him, & still hold remote from what has been proposed. The Govr. will always continue to Insist upon what appears to be the directest method to finish the Bill, Yet that the House may be more fully convinced of the Occasions given him for those mentioned Remarks, He thinks fitt to point out such passages in their Resolves as will Justly fall under some of those Titles that he gave them.

The Govr. assured the House he knew of no Concealment., and ye votes of ye House make it appear, that by a message of three members to the Secry. he had before done the same, notwithstanding which he is Charged, and a Parrallel brought to support it, which the Govr. knows to be groundless. The last clause also is a great mistake, for there are but two fines in all those Laws last past, granted to the Propr., but what are for the support of Govmt., besides which no other of these objections will lie.

Res. 6th. Here's mention made of pernicious Council given to the Govr. upon no ffoundation, for the Paragraph to which this must be designed in answer will admit of no such thing, the Court of the marches of

Wales only was mentioned by the Govr., to be as 'twas said abrogated, and this is true, for the Court is suppressed by act of Parliamt. If there were any mistake in a matter that is so foreign to us as the Courts of Wales, it might have been hinted to the Govr. in another Language, than calling it pernicious Council given him, and the assembly that are generally unacquainted with things of this nature, are made to resolve it to be such N. C. D., Besides since the Courts in the neighbouring Govmts. are erected immediately under the Crown, it looks somewhat to arrogating, to say that the Govrs. scheme is rejected to avoid the Inconveniencies these Courts produce, & yet mention none of them for the Govrs. satisfaction.

Res. 7th. The House resolves N. C. D., that if a law could pass here to settle the Court of Equity in the Govr. and Council, it might meet with the same rebuke at home as that part of the Ordinance of Wales, which gave the President and Council a power of Chancery. That Court was suppressed, because it was found an intolerable burthen to the subject as it was managed, Yet the Queen, in most or all her Governmts. abroad, expressly establishes her Courts of Equity in the Governor and Council alone, and therefore if the same were done here, the old abusive Chancery of Wales could be no objection, since by the Queen herself, such Courts are so settled in New York, Maryland, Virginia, the Islands, &c., unless the Assembly would have it believed, That because such a Court of Chancery for the great abuses of it was suppressed in Wales, therefore, a Court of Equity in the Govr. and Council of Pennsylvania particularly, must also be thought equally abusive by the Govmt. at home, notwithstanding these Courts are so erected by their Express directions in the other parts of the Queens Dominions.

Res. 8th. This if anything at all is intended by it, implies as if the Govr. inferred that because he may

advise with what Council he pleases, therefore that Council should have the like authority as Councils in Govmts. immediately under the Crown, where they have a share in Legislation, whereas in the answers sent to the House, there is not one Syllable to that purpose, or leading to such an answer.

Res. 9th. The Houses Taxes the Council with assuming a share of the Legislative authority, because as Council to the Govr. they join with him in advising to such matters as may be fitt to be enacted. By the same Rule the attorney Genl. and divers others in Engld. assume a Power in our Legislation, for they make objections, which are sent to us, being directed so to do by the Queen there, whose authority alone confirms or repeals them. But it is intolerable in the assembly, thus upon all occasions, however unjustly, (as before about Chester Bridge,) to attack the Council for their services to the Publick.

Res. 10. Either this is of no service at all, or it implies as if such a thing had been proposed by the Govr., which never was.

Res. 12. The Govr. told the Assembly if they would not concur in a resonable Law to Establish the Courts, he must do it by an Ordinance, for they must be established. The House hereupon Resolves, N. C. D. that whosoever advises ye Govr. to Revive the process and re-establish the Courts by an Ordinance, such Council is pernicious, & the advisers to be deemed Enemies, &c., if this be leveled, at such as advise the Govr. to revive ye Pleas by an ordinance, it touches no body, & is then very frivolous, if it means such as advise him upon the terms mentioned in his message, to which these Resolves were sent in answer, as by the following Resolve seems to be intended, viz: to re-establish Courts only by an Ordinance, it takes in the Govr., the Council, the last Assembly, the Speaker of this, and all the lawyers of the Place, into the rank of such Enemies, & what

animadversion this language deserves, the House themselves may Judge.

Res. 13. A member of Council, J. L——, is by name declared, an because 'tis the opinion of the House that he is, one of those that advise the Govr. to insist upon an Opinion (as the Language of the Resolve runs) of re-establishing Courts by an Ordinance, whereas neither he nor any other person advised the Govr. to this, if it could be done by a reasonable Law, but if it cannot, it has been the opinion of all those that have been mentioned, that it must be done by such other means as are in the Govrs. power, and so the Govr. must proceed to do, however irreverent the House may shew themselves upon it: And if this Resolve will suit that member, the House has been already told what follows, and how many are to be taken into the same Rank with him upon this score.

Upon the whole, too great a part of these mentioned Resolves are grounded upon misconstructions & erroneous inferences, and carry an air of Indignity with them, such as perhaps has never before been offered from any people to their Govr. duly appointed and Constituted over them, & therefore too Justly merit all the titles that have been given them in that message.

These are such particulars as the Govr. was of opinion ought to be animadverted upon, but after he has been obliged by the House thus to mention them, he shall be willing to wave all further notice of them at this time, & proceed only to what immediately requires the application of ye whole Govmt. to see effected, In Order to which & that all unnecessary disputes may be laid aside, The House is desired to Consider that the Privileges of ye People consist not in Divesting ye Govr. of all power and support. The Govmt. of Engld. from whence all our Power is deriv'd, is in it self monarchical, with a just mixture of whatever else can render it the Happiest in the world, and of the

same kind are also the Particular Govmts. in all the Queens Dominions, saving that for reasons obvious to those that know the story of yt time the Govmt. of the Massachusetts was at first granted principally to the People; But in the Royal Charter to the Propry. the whole power of Govmt. is invested in him and his heirs & their deputies alone, Requiring only that the Laws to be past in this Province should be by the Consent of ye freemen, to be assembled in such manner as the said Propry. should think fit, So that besides this Right of concurring in making Laws, there is nothing further granted to any of the People by that Charter, whatever power beyond this is Claim'd, it can be derived from the Proprys. grants alone.

The Govr. at his arrival, found the People Posses'd of a Charter, by virtue of which the Present Assembly now sits, containing the frame of the Govmt. settled solemnly, as he has reason to believe, between the Propry. and the People, because by the subscription 'tis said to be thankfully accepted of by the Assembly then sitting, & was signed not only by the Propry., but by the Speaker of that Assembly, in the name of all those of the Province, (as 'tis affirmed,) who were then present, and unanimously consent, & 'tis further witnessed by the Council, this therefore ought fully to Conclude, for if the People could alledge that any thing more was their due, it ought at that time to have been fixed & settled, the Assembly then sitting, as the Govr. is informed, having fully Considered and Debated it, or if any Demands, which 'tis imagined might further have been made, were not then granted, the Govr. can not think it proper for him to intermeddle or to concern himself further than by Virtue of the Kings Letters Pats. to the Propr. and the Proprs. Commission to him, with her Majesties Royal approbation, to govern according to that Charter & the Laws in fforce, & to proceed to Enact such others as may be necessary for the

Countrey, & neither break in upon the already fixed and Established Rights of the Props. or those of the People, But if the Govr. should see occasion to ask a supply for the support of Govmt. He is of opinion that there could be no Just Parallel drawn between granting away a Right or Branch of a Constitution on the one hand, and the giving of a necessary supply for the present support of Govmt. on the other; Govmt. is always to be supported, but not the Constitution of a Govmt. to be always altered, or its Privileges lopt off as often as that support is raised. Were this to be the method, all constitutions would be entirely changed in a very few years, and there would remain no ancient Rights to be asserted, all would be soon bought and swallowed up by the People, who yet would never find themselves the more happy, tho' they might perhaps be more licentious in Government. It might reasonably be thought a very easy business to establish the Courts by a Law, without raising new disputes and Contending for such Grants of Power as are not essential to their Constitution, nor were ever in the People for these 24 Years past, since this has been a Colony. The Assembly therefore are desired to Consider whether at a time when the Countrey deeply suffers for want of Courts and the administration of Justice, when violence and oppression is ready to take Place, and no man can be sure of his own further than his neighbours honesty will secure him, 'tis Reasonable or for the Countreys service to start and Insist on Privileges which were never to the Govrs. Knowledge disputed here before, & to desire of the present Govr. such new grant to be made as either were not requested of the Propr. himself, when these matters were about being settled, or if they were, it appears he could not think fitt to grant them. To make these hardships on the Govr., with which they may easily know he cannot Justly Comply, the terms of Procuring a Law only for the service of the Countrey, in which every Individual is

or may be concerned, shows as if something further were intended than the shortest method to advance the good of the Publick.

But to bring on the matter in hand, the Govr. once more informs the assembly, & they are desired to take it as his positive answer.

That seeing he found at his arrival the Power of appointing & removing the Judges and Justices, and divers other officers invested in the Govr., and that it has been the Practice in this Province since the beginning and is the same in the Govmt. round us, he cannot agree to part with this Power.

That he cannot grant the fines and forfeitures away from the Proprietr., nor appropriate any part of them to any other use than Immediately to the support of Govmt., as they are generally in the Laws last Enacted, viz: either to the Proprietr or Govr. for the support of Govmt., or to the Govr. alone, which is near the same; That notwithstanding the settlement of Chancery in the Respective Countries of Wales, which the House said is the foundation of their Bill be Established, Yet the Govr. can not think proper to take a Precedent from thence for the Court of Equity, but takes the rest of the Queens Governments to be much more fitt for our Imitation, than a method which makes the same Justices Judges twice of the same Cause, first in Law and then in Equity; but if the Assembly judge it inconvenient, that the Court should be in himself & the Council, he will appoint such particular Judges for it by Commission, as that by them & the Provincial Judges the mentioned Inconveniency may be avoided.

That the Govr. cannot agree to any alteration whatsoever in the Power of the Corporation, but must leave the whole as the Proprietr. himself thought fitt to grant them, And shall still Leave it to him alone to make what Additions he shall think fitt.

That if the former method of Licensing Publick

Houses be not thought sufficient, the Govr. will agree that no License shall be valid but what is grounded upon a Recommendation of the Justices or magistrates in Court, but will not part with the right of granting them, Yet is ready to Concede to any thing that may tend to maintain good order in Publick Houses more Effectually in a bill by itself.

As to the rest, Since no Consideration will induce the House to quitt their Proposed Establishment, the Govr. that the Courts may upon any reasonable terms be opened again, will not any further Insist on the scheme by him proposed, but leave it to the House to proceed on their Own, to which they seem so strongly attached, & besides the above objections shall (of those that have already been made) further insist only on the following.

That writts of Certiorari be granted as fully here as by act of Parliamt. in Engld.

That ye Inconveniency of Procreating new Law suits in favour of persons taken in Execution be better guarded against.

That in settling the fees the Respective officers be first heard.

Besides which there will now some few others arise from matters relating chiefly to the Courts themselves, which the Govr. thought not fitt to make before, because the Scheme or Constitution itself, and the Proprietors Rights, were the Chief matters in dispute, which when once Concluded ye rest 'tis hoped will afford no great difficulty.

Upon the whole the House is desired, wth as little delay as possible, to let the Govr. know their thoughts, in such a manner as may most directly tend to bring ye matters in debate to ye speediest close. And if any thing arise in wch the House cannot fully satisfy themselves, they may discourse it at a Conference, which the Govr., if they desire it will either appoint to day, or at any other proper time for it after to morrow is over.

23 Decembr., 1706.

Further to the Assembly Concerning the Establishment of Courts of Judicature.

GENTLEMEN:

'Tis now 15 weeks since I first recommended to this present Assembly, to agree with me upon such a Law for Establishing the Courts of Judicature, wch were for some time before faln throughout this Province, by her Majesty's Repeal of that Law on wch they were founded, since which we have had no Justice publickly administered in any of the Counties, nor means of Relief against any Villany or oppression, And if we have lived free from open Rapine, 'tis more owing to the honesty of the people than any publick provision made against it, tho' such a provision is in all Govmts. accounted the first and Chief foundation for the security of the whole.

That this want of Justice is an exceeding great failure amongst us, and matter of most just complaint must be readily Confest, Yet after all these 15 weeks mostly spent upon what I expected would be done in fewer days, Unless some measures be altered, we seem to be very little nearer the point than when the first objections were made, lett us therefore, so far look back as to inquire where the obstruction lies, and remove it if possible, that so the Courts may be once again opened with your Concurrence if to be obtain'd, and after whole nine months vacation, Her majesty's subjects may once again find, that Justice by Law in this Province which is dispensed in all the Rest of Her Dominions.

Upon the Objections I made to your Bill, the longest perhaps that ever was drawn up in America, You thought fit to make two or three amendments, the rest you Insisted on to a great part of which (that I might condescend as far as was possible for me,) in my last message I also gave way, and the Chief points we dif-

fer'd upon, I then noted to you and gave you my reasons, wch if they did not satisfie I was willing should be debated in a Conference, but instead of joyn- ing with this, or taking any further measures to accommodate the matter, you spent some days in drawing up a long answer to that message, and then without giving me any prior notice you adjourned yourselves for 6 weeks, leaving the whole business, tho' of very great importance to the publick, to lie undetermined in the same Condition it then was, a proceeding perhaps the most unpresidented that ever was known upon the like occasion in any English Govmt., to wch adjournment, tho' extreamly unreasonable, I have notwithstanding so far yielded as to allow you a large space of time to attend your more private occasions.

Now the principal of those objections that I found myself obliged to insist on, tho' you have taken upon you to tell me that I gave no sufficient reasons for them, I shall mention again, and desire you as you think yourselves obliged to Discharge the trust reposed in you by the Countrey, in providing for its safety and well being, to consider with such a Disposition as may best answer the end of your being called, whether the Reasons I have ofen given you, & shall now in part repeat, will not be though solid & sufficient by any impartial Judges.

You have proposed that the Chief Magistrates should hold their places during their good behaviour, and that the Clerks should be appointed by the respective Courts, which you seem to Claim as your Privileges, (if they be any) from one Statute of the first of W. & M., & another of the 14th of W.; But I have sufficiently told you, that at my arrival here I found the power of appointing & displacing these officers invested wholly in the Propy. and his Lieuts., that the practice was the same in most if not all her Majesty's Governments in America, & that since it was so lodged here it was not

fit for me to make any alteration in it. And now I shall further tell you, that I cannot think that we, in this Province, are to Copy immediately after every act of Parliament in England, because the same reasons do not hold here as there. I could mention several Acts pass'd in England, that you would by no means, I suppose, agree to enact here, and this act particularly, as it does not reach us, so it has never been enacted, that I can hear of, in any Governmt. immediately under her Majesty. There were some reasons at that time to be given why their then Majesties should assent to such an act of which none will by any means hold here, and I shall further mention some of the Inconveniencies that might ensue upon your Bill as 'tis prepared. You have very widely, from the practice in England, proposed that there shall be three Judges, but without any sufficient allowance to support them in their offices, which if you think the Practice of England in reality ought to be your standard, You should have provided for here as well as it has been done there; but since you are of different sentiments in this point what follows is, that according to ye Draught we must fill those offices with such men as residing in the Countrey have other business in it to maintain themselves, & yet leisure as well as skill enough to attend this service, & deside the nicer points of law, of which most that live not by that profession, (and such cannot accept of your allowance to the forfeiture of all their other profitts,) are utterly incapable, & therefore the whole method will be found, I can assure you upon my experience, either wholly impracticable, or at least so difficult, that it will be next to an impossibility to find such men, and perswade them at the same time to act, But were it allowed that three such Gentlemen might be found, in case one of them only were depended on upon a particular service, (as at sometimes out of ten Justices, 'tis difficult to find three to make a Bench, & by

reason of this difficulty some of the Courts have been known to drop,) then upon any unforeseen Disability or declining of Duty, the Court must fall if it be not left in the Govr. to appoint another in his stead, which by this Bill he has not power to do without a Judicial process. It has been Clamour'd, I am informed, that I would not agree that a Judge should be displaced upon proof made by the Assembly of his official misbehaviour, but whoever Endeavours to insinuate this, is guilty of a gross abuse. I shall never be against displacing any officer, that is once convicted of misbehaving himself, in point of his Office that may be found worthy of such an animadversion, But to put it out of the Power of the Government to Displace an officer, who possibly may have designs of his own in continuing in place, and yet not discharge his Duty without a Judicial process, is what no reasonable man I think would advise me to. But if the Assembly will agree to allow a reasonable Encouragement to an able professor of the Law, who by his Education and Practice may be qualified for the service & business your Bill cutts out for him. I should then think it more reasonable that as the Countrey pays him, so when he is proved by them to misbehave, he shall lose his place with all its profits. At the first opening of this Assembly, I did not at all doubt but you would readily embrace the Offer of that worthy Gentlemen, who is so heartily approved of by all men of honr. that Know him, & who has already accepted the place here, & only waited for a due encouragement from the Countrey. But I perceive you can not be of the opinion of most others who thought the offer a real Happiness to us, and I wish you may not have faln into the sentiments of an eminent member of your house, Who has under his hand, (as I am informed) expressed his Dislike of that Gentleman for this office for two reasons, of which the first was because he says, He is in the Propry. In-

terest, & the other, if I know the Gentleman I think is positively false.

As for the Clerks, they are officers who cannot properly fall under the notice of the Crown in England, they lie so remote from what comes under her Majesty's eye, that 'tis not at all strange the power of appointing them should be given to the respective Courts, but here 'tis much otherwise; We have but three Counties in the Govmt., & these can be very easily superintended & all their officers supplied by the Governour, however in this your Charter of Privileges has made Provision, from which I neither will nor can take upon me to recede.

I have now, Gentlemen, spoke fully to this point. Another is the appropriating of fines, wch I cannot agree should be to any other uses than the Proprys. for the support of Government. I find 'tis alledged that in England the Queen pays the Judges there out of the Publick Rvenue, and so you would have them paid here. That the Judges are so paid in England is certain, and so are all officers that I have heard of who have any sallaries, for the House of Commons are more dutiful than to direct any other way of payment; they take care to grant her Majesty sufficient to defray all manner of Charges, out of wch she is Enabled to answer whatever is requisite of this Kind, these officers fall within what is called the Civil List, which is amply provided for, but I desire to Know, since you would have this Enacted into a Law, wch was never so before, what is the fund you provide for the support of Governmt. to Compensate this alienation, however small; as for the Language you give me of my Pocketing the fines, I must place it to the same acct. with much more of the Kind. I hope the People of this Province will at some time or other learn from Experience that tho' they are Generally Excused from those modes of Civility that are Customarily used, they ought notwith-

standing to observe the standing rules of good manners, wch all the Civilized pts. of the world acknowledge to be their Duty, and upon this I shall only tell you that I never yet found an Assembly here that tread the Steps the present House seems to do, inclined to grant sufficient even for the Common support of a Gentleman, & therefore why I should grant any part away of what the Assembly never had the Disposal of, seems very unaccountable, but as to the Value of the fines, I must particularly add, that all those of the rest of the Counties have not yet been equivalent to one fourth of what is raised in the City of Philadia. which the Corporation claims as their own from the Proprys. Gift. I have largely told you before, that to grant the fines to the Queen, while they of right belong to the Propry., would be an injustice to him, & what Her Majesty her self, I am Inclined to think, would neither desire nor be willing to assent to; if 'tis said that, tho' granted to the Queen, they still remain for the support of Govmt., 'tis to be remembered, that when they are dismember'd from the Proprys. Revenue, while the Governmt. is in him, the Queen then has a right, by her officers, to inquire into the disposal of them, and this seems to Import as if the Propry. were no proper Trustee, tho' of right they belong to him alone. How they ought to be appropriated, I have already told you. As to the Lysensing of Publick Houses, the same answer holds that I have told in relation to the Clerks. It would be absurd to imagine that every Public House in England should have a License immediately from the Crown, 'twould be found impracticable there, but 'tis easy to be managed here by the Governr. It has always been so, & is generally so practiced in the rest of her Majesty's Dominions abroad. The example of England in this Case will hold no better than the act for granting her Majesty an Excise almost equal to the first value on Beer or Ale would to you, if it should be pleaded,

But what Privilege would arise from this, or indeed any of the other Points in dispute, to the people, should they all be granted, I can by no means understand. I have proposed to agree to any measures that shall tend to a better Regulation of Publick Houses, without divesting the Propy. of his Just Right, than wch if you propose any thing further, it must be with an Eye to something else than the benefit of the Publick, wch I shall be always as ready to Consult in what is truly so, as any of you yourselves can desire, but I cannot suffer myself to be led away with pretences for the Publick, wch in reality carry no such thing in them, but seem to be levelled at a Diminution of the Rights of that part of the Constitution, in wch I am more nearly concerned without advancing any other.

These Reasons, Gentlemen, I once more offer to you, and if after your late method you tell you cannot find they have any weight with them, You ought at the same time to remember that 'tis setting up your own opinion for the standard of Reason; Your Proceedings of this kind have been very singular, particularly Your Coming to Certain Resolves almost upon all occasions, & sending these to me instead of Reasons in answer to my objections & messages, as if your Opinion must in all things be my direction in the Discharge of my Trust, and yet when the House of Commons in England have proceeded to Resolves upon a matter in Debate, the Lords have sometimes disputed whether after this they ought to hold any Conference with them, for this Method seems as if intended to Determine the point with those that make them, but I hope you will not build so much on yours, but Consider the end of your meeting, wch is not to Dispute or shew your Talents that way, but to answer the Exigencies of the Countrey. What those are at this time, most people are deeply sensible. There is a great Cry of Oppression for want of Justice; this I have seriously recommended to you,

and you have provided a bill for it which notwithstanding my Judgment, and the best advice I can have, can by no means approve of, yet that the Countrey may no longer be without, I have agreed to every thing material in the Bill itself, that's necessary to their Establishment. But this you will not think sufficient, unless I make new Grants that you were never in possession of before, and for which you alledge no Reason but that in England it is so without any allowance for the Disparity between that mighty Kingdom & this Province, one of the least in her Majesty's Dominions, & then you vote for yourselves that thus it ought to be, & stop there. I would earnestly press, you Gentlemen, to Consider what other Govmts. & what impartial men of sense abroad or at home must think you intend by this, in taking measures that no people in the world ever attempted before under an English Constitution. You plead that some far greater Privileges than what you Enjoy are your Right, & that you have been unjustly Kept out of them; but what those are I never yet could hear, either from you or any other person living. If this be really the Case you may have reason to Complain; but to this not only I, but all that I converse with are absolute strangers, and were it indisputably is, Yet ought that to be a reason with you why you should further Debar the Countrey of that greatest of all Privileges, Common Justice, wch you effectually do, while you refuse to Concur in a Bill for settling ye administration of it, when I am ready without any Delay to agree to, full as much or more than ever you have yet had since you were a people. Lett this be once done, and if you have any further Demands I shall Expect to know the foundation of them, or must believe they are wholly Groundless, for as yet I have never been informed you have Cause for any.

Gentlemen:

'Tis not without great Regrett I find myself obliged to Express my thoughts thus. I am very sensible how great an unhappiness it is to any Govmt. when unanimity reigns not amongst its members; seldom has there been a Dissolution by any means but open fforce, where the want of this has not been a forerunner; I would therefore take all possible measures to avoid misunderstandings, and I have seriously reflected upon what might occasion them, wch has led me to consider what I have mett with since my arrival among you. This is now the 4th assembly that has mett me in this Province, of which the two first or a majority of them, unhappily fell into the same measures that seem now to be taken: the same temper then too much appeared, as the minutes of the Proceedings of those times largely shew, & I am sorry I have reason to say that it appeared also in many of the principal members that Compose the present House; The Countrey became sensible of this, I suppose, for the next they elected, I mett a Different sett of Representatives, who applying themselves in earnest to the business Incumbent on them, went through it with such success that they past about two thirds of as many acts in number as they sate Days, whereas with the two former or with the present, I have not yet had the happiness to Enact one, and yet I can positively affirm that I never was more disposed to pass any act in my Life than I am to see this for Establishing of Courts effected; I request you seriously to weigh this, and not to Give occasion to observe the constant strain of unkindness that runs through your Proceedings to that worthy Gentleman the Proprietary, to whose interest, care and indefatigable application for the advancement of this Colony under the blessing of God, it has principally owed its most flourishing Condition as most Impartial men who have been acquainted with him must and will allow, whatever some

thro' their great Disaffection may endeavour to suggest to the Contrary, who now rise up against him as an infringer of your Rights, to maintain & support which has notwithstanding (as he too sensibly feels) been the Expence of most of his time & Estate since he has known it, & is now left in much worse circumstances that at the first minute it became his. This is so notorious to all who have had opportunities of duly considering it that it should be a sufficient Inducement to all honest men, especially such as living under, and acting in his Govmt. owe him an immediate Duty unanimously to Concur in composing all matters that relate to his concerns here, wch at this time particularly might reasonably be expected from the Representatives of the People, as for your Jealousies of a surrender, & Providing against it there is nothing of this kind more certain than that the Propr's. Endeavours to hold this Governmt. against the attacks that have been made upon it, have occasioned him a great share of his Troubles, nor would he ever yet hearken to any Proposal of parting with it, but upon terms that might leave the People secure & Easy; Would he have given way to any other thoughts, his affairs had been in a much different Condition, all which makes it appear much the more unaccountable to find those whose tongues should be employed in kind acknowledgmt. turn them directly to the contrary. If you believe that should this Bill pass as you now desire it, it would really prove a security in case of a Surrender, You ought to Consider that such a surrender at this time would undoubtedly carry a Repeal of all Laws presented after it, nor would her Majesty ever agree to such a Constitution in this place, so different from the rest of her Dominions, therefore whether the Propry. hold the Govmt. or part with it, which to the best of my knowledge you have less reason to apprehend than you imagine, 'tis to no purpose to Contend thus since the

only effects of it will be to deprive the people at present of that certain and undisputed right of the administration of Justice, and throw all into confusion, which will prove by much the readiest method to produce a Change without any terms at all, & whether those who are inclined to think favourably of your Proceedings may not have some Umbrage to suspect that the Spring of these Counsels on which you proceed, has a mixture of some such design may perhaps well deserve your thoughts and Eendeavours to guard against.

I have been very prolix to you, But 'tis with a design to save time, and not to spend it. I have thus given you the substance of what I think proper you should know from me, & shall, as I have done many other things, pass over whatever your last address contained of the same temper that I have Complain'd of, the Dispatch of necessary Business being my sole aim. Only there is one Paragraph which Extorts my notice, that is where you give it as your Opinion, that it is not in my Power to Establish Courts without your Concurrence, even in my own sense of the matter, To wch I shall only answer, that from the Judgments of persons that I can have a more Certain Dependence on in points of Law, I am assured I have that power and shall assert it whenever there is occasion, and perhaps not much to the advantage of those that shall adventure to oppose it, But I desire the whole should be done by a Law on any reasonable Terms is 'tis possible.

I must further also take notice that in the votes you have published you have resolved, That the freemen of the City and County of Philadia. had a Right, on the first of Octobr. last, to elect two persons for the office of Sherif, to be presented to me, of which I have never yet been sensible. I ask not your opinion at this time, because you have Deliver'd that in ye mentioned Resolve, but as 'tis only an opinion without Debate perhaps on the other side, I doubt not but that when the

Law relating to those Elections is fully Considered that Resolve will appear too hasty, for could I have so understood it, the person you there mentioned should have had the place at that time, for I had no intention to oppose any right of the People upon the point, however the contrary may be insinuated.

I shall now sum up, & upon the whole earnestly press you to Consider what has been said, and if you cannot at present concur in Opinion with me upon those heads I have mentioned, I desire it may, without Delay, be Debated at a conference, & Lett us without further Loss of time Conclude at least upon one act, that is of such absolute necessity that Govmt. without an Establishment of that kind cannot subsist, but become an anarchy, & in which all her Majesty's subjects in the Province are so nearly concern'd.

30th Decembr, 1706.

Reply to a Message from the House Regretting the Abrupt Termination* of a Conference between the Governor and Themselves by the Act of the Speaker.

THE GOVR. IS ALSO SORRY THAT AT SUCH A Juncture the House should, without any occasion given, put an end to their Conference, which notwithstanding he is willing should be continued, But seeing the House declares that they gave no directions

*EXTRACT FROM THE PROCEEDINGS OF A CONFERENCE BETWEEN THE GOVERNOR AND COUNCIL AND THE ASSEMBLY, FEBRUARY 6, 1707.

* * * * *

The Speaker after his first standing up when he presented the House to the Govr. in Order to hold the Conference, having kept the seat for the first two or three times he spoke, and afterwards at the several times he had occasion to speak, sometimes standing but often sitting and at

to their Speaker to misbehave himself in that point in which he did, and from whence he took the Occasion, the Govr. expects they will now give him directions to behave as he ought, and that he shall first acknowledge his past Error, for as the Govr. is in this Govmt. the Queens Representative he thinks himself obliged, while in it to assert her Majesty's Authority, and Require in all Conferences a due Regard to be paid to it, and especially in a point where 'tis so necessary to the Dignity of Publick Order, as Established and maintained by the practice of all other Govmts.

7th Febyr, 1707.

length continuing to sitt altogether without rising at all, as all the members of the Council did & always do when they speak at the Board to the Govr. and as the rest of the members of Assembly then likewise did, the Govr. told him that those that spoke to him upon such occasions always stood up, that he must desire him to do the same, for it was necessary in point of good Orders, that whoever spoke should stand all the time, which secured him from Interruption.

The Speaker answered, that as he sate there he was the mouth of the Countrey, being the Speaker of the House of Representatives, that he was to take his directions from them, and ought not to be abridged of his Liberty.

The Govr. asked what he meant, if he intended by that a freedom of speech it was not denied him, for he had it fully, but that it was necessary for Decency and Good Orders, that whoever spoke in a Conference with him should stand at the time, and then proceeded to argue with him upon the Business in hand, which was the latter part of what is before mentioned.

The Speaker made two or three short answers to the Govr. upon the same subject, still keeping his seat, and so continued to speak as there was occasion without once moving, upon which the Govr. told him again, that if he spoke to him there he must stand up as others did, otherwise there would not be much notice taken of what he said, for it was necessary for the reasons given. The Speaker told the Govr. he must desire his Excuse, in any thing that lay in his power he should be very ready to pay him all civil regards but he could not answer him in this, the Govr. continued to tell him of the necessity of every man standing when he spoke, and that he ought to do as others in that case did.

Upon which the Speaker arose and said he was a free agent, and not to be directed by any but the House, and that he could continue no longer there, & therefore must break up the conference. The Govr. asked what he meant, would he break up the Conference upon it. He answered yes, he had authority from the House to end it when he thought fit. The Govr. asked if he did it then upon that occasion, he answered yes for he was affronted, so the whole House rising departed abruptly with him. As the Representatives were going, the Govr. told them that they saw how a Conference he had appointed for the service of the Publick was broke off by their Speaker, & upon what occasion, & desired that accordingly they should remember it, but they all departed without any further answer.

To the Assembly Concerning the Recent Contumacy
of the Speaker.

THE GOVR. EXPECTED THAT HIS MESSAGE to the House, sent yesterday in writing, would have appeared so mild and reasonable, that it would be impossible to find in it any matter for Resentment, all that was required being only that the Speaker should acknowledge his past error, and that directions should be given him to avoid the like for the future. But seeing the Assembly, by their written message of this day, have thought fitt to plead for and defend the Speakers disrespectful behaviour, and his bringing a Conference appointed upon a business of such great Importance, to so abrupt an end, without any other occasion given than that after he had for a long time together kept his seat, when he spoke he was for the sake of decency and good order, (as well of his Duty,) required to stand when speaking as all others there did, By wch the House, instead of disallowing his Conduct, seem unhappily to involve themselves as parties with him, and further from ye Kings Letters Patents, which here as in all others of her Majesty's Govmts. make the assent of the ffreemen necessary in Legislation, seem to infer an equality between the Queens Representatives and the Peoples. The Govr. thinks her Majestys honour and Dignity so nearly concerned in the point, that he cannot now wave the affront without a suitable satisfaction, and must inform the House that none of her Majesty's Subjects, in this Province, can be exempted by their being in the Assembly from their Duty and obedience to the Govmt., in a point which makes no infraction upon their Priviledges. That it is no Priviledge of any Representative of the People, either in England or elsewhere, to sitt when he speaks to the Superior of that People; That the Govr. having the chief command of all the People in this Province is

theirs, & therefore their Representatives Superiour, and in behalf of her Majesty, our Sovereign must exact their Duty and respect; That the Speaker of the House can have no more authority in his own person at a Conference than any other member, and that when any particular respect is there shewed him 'tis only of Courtesy; That in such Points where there is no Special Priviledge, he is under equal obligation with any other person, and the Govr. expects, that not only the speaker but all others shall behave themselves accordingly.

If the House will in this point discharge their duty, the Govr. is very ready and desirous the Conference should be continued, and upon this occasion thinks he is obliged to be present at it himself. But if for the sake of defending a particular persons contumacy, of which the Govr. cannot now in regard to her Majestys Authority wave taking notice, they shall neglect the Interest of the Publick so deeply concerned in the Bill which has been so long before us, the Govr. must, without further loss of time, proceed by virtue of the Powers with which he stands invested to discharge his Duty in opening the way to Publick Justice again.

8th Febr'y, 1707.

Further to the Assembly Concerning the Contumacy
of the Speaker.

THE GOVR. IS EXTREAMLY DESIROUS THE Conference should be Continued without delay, in hopes that what he has long and most earnestly pressed may be effected by it, But as the subject of the messages is now brought very near to concern her Majesty's authority, he cannot pass it over with some further satisfaction in the point, and to avoid loss of time as much as possible, the Govr. briefly acquaints the

House that the power granted to the Assembly of dissenting in matters of Legislation, which is not disputed, being no more in this Province than the Commons Enjoy in England and the rest of her Majesty's Govmts. no nearer Equality can be inferr'd from thence between the Govr. and Governed, than in those other Govmts. That which is alledged of a Conference between Committees of ye House of Parliamt. in England, (were that the House advances exactly true in fact,) will by no means hold parallel in the case in hand, unless it were first proved that those Lords appointed for the Committee had in themselves at other times the Chief Command over the Commons. That the Govr. finding himself obliged to assert the Queen Authority and Dominion over her subjects, cannot give way to any allegations or pretence whatsoever, that plead for the Equality mentioned in his last preceeding message to the House, & which theirs of this day still seems to support, tho' in other points more smoothy exprest; But must insist on it, that in all matters where the Real Privileges of the House are not infringed, a due Deference shall be paid by all persons under his Govmt. to that authority with which he is invested; That the Speakers behaviour at the Conference, however it might at first be intended, was at length affrontive to that authority, & accordingly the Govr. expects he shal acknowledge it by order of the House, and that they will take effectual care that the like be avoided for the future.

11th Feby 1707.

Further to the Assembly Concerning the Contumacy
of the Speaker.

GENTLEMEN:

I have since my arrival in this place mett with so many failures in point of Civility, that for my own part I should be extreamly backward in Resenting them, where I could have reason to believe they were not so intended, and had your Speaker, upon my taking notice of his Undecency in keeping his seat, but altered his carriage in it, this week would have been saved to the Countrey, which now by his obstinacy is entirely lost. Since that you have brought the matter more particularly to Concern Her Majesty's authority in Govmt., upon acct. of which I thought myself chiefly obliged to insist upon satisfaction, Which seeing you now Inclenable to offer, in censuring the speaker's behaviour, upon his submission to the House, which ought at first to have been done, that you and all reasonable men may be convinced that I am not willing to have one hour lost that may be laid out on the countrey's service, I again offer you a Conference upon these terms: that at your opening it the Speaker shall with due submission on his own behalf, and by order of the House, acknowledge the Irregularity of what is past, to which if you fully agree, I shall expect your attendance this afternoon at three a Clock, at the Treasurers house, where, till this be done, I cannot think it by any means proper or safe for me, in the Just discharge of my Duty and trust, to proceed to any further Debates.

A full Compliance wherewith I immediately Expect to be satisfied of, by a message from your House, which only can, notwithstanding any pretences, convince the weakest Judgments you are really desirous in Earnest to serve the Publick now in necessity.

JOHN EVANS.

13th february 1707.

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Further to the Assembly Concerning the Contumacy
of the Speaker.

THE TERMS I OFFERED THE HOUSE THIS morning for a Conference this afternoon is the very least that can amount to satisfaction, which I doe and shall expect exactly as is there required without the least evasion.

JNO. EVANS.

13th feebry, 1707.

Further to the Assembly Concerning the Court Bill.

GENTLEMEN:

You have now given me, and the rest of the world, very great reason to believe that your concern for the Common good is not so real as has been pretended, since you prefer an obstinate humour in Defence of an irregular & affrontive behaviour to all other considerations relating to the Publick; and Especially after the terms of satisfaction were made so easy, that there was no more required, than that you would Order the person Offending to acknowledge his Error where he had committed it. But notwithstanding, such proceedings might with good reason Discourage me from treating with you any further, I shall yet make all those resentments that your conduct might Justly raise so far to yield to my Earnest desire of advancing the Interest of the Publick, That I shall once more give my Result upon the Bill, and propose to you the Terms on which it may be Enacted; But shall first observe that your particular manner of Judging of all objections made to what you Offer, very clearly Evinces how great an authority you bestow on your own opinions. You have frequently very peremptorily put

the Question, and asked wherein you Crave any thing that is repugnant to law or Reason, in which you seem to forget, that tho' the Assembly has a Concurrent power in Legislation, & Law cannot be Enacted without them, Yet in all Govmts. the Govrs. part being at least equal, according to your own notion he must have an Equal Liberty in proposing, accepting or refusing, and therefore is no further accountable to the Assembly for his reasons in rejecting any proposal that is made to him, than they generally show themselves after a matter is thrown out of the House by a Plurality of voices. If by saying what you ask is not contrary to Law, you mean there is no law against it, the same may be pleaded for a thousand Extravagancies against which the Law has made no provision. But to determine whether it be repugnant to reason, or not requires some other Tribunal to ascertain what is reason, for however high you may rate your Opinions, it would be much too arrogating in you to Erect standard to Judge of the reasons of others, who have an equal freedom of Sentiments and Opinions, I have often given you my reasons, tho' I'm not obliged to render any, why I cannot assent to your Bill as you have proposed it, wch are sufficient with me, and notwithstanding any thing I have heard are likely to continue so, and I shall here sum them up once more.

I cannot agree, that when a Judge is once appointed it shall be out of the Govrs. power to remove him, but upon an official misbehaviour which requires a Process at Law, and yet the Assembly shall have it in their power to lay him aside when they please, only by addressing the Govr., and without any Trial or Conviction; for this your Bill directly and positively provides, whatever evasions have been used to Colour it now, that the Judges and Justices shall of themselves have the power to appoint or displace such considerable officers as ye Clerks at their own will and pleasure. To

offer my reasons for this might justly be accounted superfluous, they are of themselves so obvious; for as to the Judges, as we are circumstanced, it differs very little from granting away the whole power of appointing them at first. There is no Salary Established with the Bill, as 'tis in England, for that is to be still precarious and Dependent of the Assembly; then Altho' the Govr. may appoint whom he pleases, they can as often displace him without rendering a reason; besides that there is no pay for him till they think fitt to grant it, and when a person is found that suits a certain hum our, however contumacious he may behave himself to the Govmt., for which there is no probability of his being removed by the House as matters now go, The Govr. is to have no manner of Power over him or check upon his behaviour; he may proceed to the greatest insolencys and plead Priviledge or Law for it, and perhaps make a sufficient number of the Representatives who may be unacquainted with both, I believe that he is really in the right, and then he stands secure. I assure you Gentlemen, since it is now in my power to prevent this in a Judge, I shall take care that in my time it shall never be so. You have pleaded a Statute of England for the President, but have in the latter part most unjustly perverted both the words & sense of the clause, for the Parliament never enacted, that a king shall turn a Judge out upon their address, but that it might be Lawful for him so to do, which without such a clause, it would not have been but upon Misbehaviour. The first part which makes the Tenour of their Commissions to be *Dun se bene gesserint*, were our circumstances the same in ye point with the Judges of England, might the more easily be granted here; they have great plenty of able men to supply those places, out of whom they can make such a choice as needs not to be mended, and then they have a certain fixt sallary allowed them, independent both of the Crown and People,

But here we must accept of such as we have and mend the choice as better shall offer. If you, however, will find a person altogether fitly qualified for the office of Chief Justice that I can approve of, and will grant him a sufficient Sallary, as independent as the Judges have theirs in England, I shall not scruple to grant him the Office to hold upon good behaviour, nor shall I oppose your makeing it as Lawful for me to turn him out upon your address, as that act of Parliament makes it in England, So yt you see I am willing to grant even the whole that is contained in the very President you plead, Provided you will come up to the same on your side, but I have some further reasons why I think it very improper for me to assent to that part of the Bill as you have proposed it, for the Govrs. of her Majesty's Colonies abroad being principally answerable to the ministry at home, for ye management of affairs in their Respective Govmts. would be found extreamly deficient in their Power, were they uncapable of removing any person out of Office, whose male feasance might give the ministry occasion to Command him to be so removed, wch in those parts sometimes happens, & therefore provision should be made accordingly.

Secondly. There is such a Train laid in the said Bill, that when once the Assembly, (which while some particulars have had a sway in it, has too frequently taken ye opportunity of raising and improving a misunderstanding with the Govmt., has by their power of removing and withholding a Salary, till they are pleased to procure a person according to their own mind to fill the office of chief justice. The Sheriff being in the choice of the people, and the clerks in the Justices, The whole power and proceedings of the Court will not only be absolutely independent of the Govmt., but in all probability be levell'd as far as Possibly in direct opposition to it; Especially since the present Speaker, who being the only person in that House professing the Law

has been the Chief Compiler of that Bill, has presumptuously taken upon him to write to some private men in England, of whom the greatest part are said to be known opposers of the Proprietr. and his Interest, to send over some fit person hither to be our Chief Justice, proposing the Encouragement of some hundred per annum, and further objecting against that Worthy Gentleman, as well as able Lawyer Judge Mompesson, as unfitt, because in the Interest of the Proprietr. ye Chief Govr. of the Place.

My third reason is you have told me that a certain Charter, prepared at the Proprietr. Departure should have been executed, which Charter I find upon enquiry to have been a project of the same Gentlemen to incorporate this Province, and take very near the whole power, both in matters of property and Govmt., out of the hands of the Proprietr. and Govr. and lodge it in the People, Leaving the Govmt. very little besides the Title, with the power only of appointing Judges of Life and Death, and a very few other small matters, by which it plainly appears that the aim is to reverse the method of Govmt. according to our English Constitution, and Establish one more nearly resembling a republick in its stead; To any part of which shoul I ever agree, I should think myself a betrayer of Her Majesty's Rights, and am Resolved, while I am in the administration, not to diminish them in any one particular, but leave them full as extensive here as I found 'em.

Many of my reason for the several following objections depending upon what I have given, I shall be shorter in them. I cannot agree that the fines and forfeitures shall be granted away from the Proprietor or Govr., because it is to give away a profit and Right for nothing, & such an one as cannot be spared, ffor the Govmt. here has not one perquisite belong'g. to it besides 'em, and what arises from Licenses, in which

also I shall not agree to any other alteration than what is mentioned in my message of ye 24th of Decembr. last.

I cannot agree to Enlarge the Power of the Corporation, their Charter being the Proprietrs. Grant, and of such he ought himself to be Judge, for I am Credibly informed that after Publication of that Charter the Powers of it were extended much beyond what was understood at the Council Board, to be designed by it. I must therefore be the more cautious of adding to that power and abridging the Countrey of theirs, and must further take notice that the Bill, tho' covertly & implicitly, does still Extend their Powers to all civil Cases; which as 'tis Couched under such terms as do not obviously at first appear, Yet effectually grant that power, is therefore the more Dishonourable, further I cannot think it reasonable but that writts of Certiorari should be granted as fully here as in England.

Nor that a man should be obliged to sue oftener than once for one debt, nor that such ffees should be establisht as will not afford sufficient encouragment. to capable persons to accept of the Respective offices, which some of those proposed in the Bill will by no means do; Yet I am very desirous that the fees should be regulated and ascertained by a Law upon such Terms as may be reasonable.

You are further told in my message of the 24th of December, that some few other objections would arise from matters relating chiefly to the Courts themselves, which are these that follow:

The Seal of the Provincial Court ought to be the same that has been always used, (vizt:) the Lesser Seal of the Province.

The time for sitting of the Provincial Courts ought not to be so expressly Limited as that upon any Extraordinary business, they shall not have Power to take necessary time to finish it.

Judgments ought not to be given at the intermediate meeting of the Justices between the times of the Quar-

terly Courts, Writts of Error not being allowed but in open Court, destroys in great measure the benefit intended by them; Attorneys must not be made so independent as by the Bill; An act of false Imprisonment agst. the Sherif for arresting a freeholder is too severe, and is unreasonable, for he must obey the Writt Directed to him, and to plead an abatement may be sufficient.

The whole Business of Bankrupts should be brought into a particular act, and be more maturely considered, for 'tis of too great weight to be enacted thus in Gross.

Writts of Enquiry Enquired of in open Court will retard the business of the Courts, and the Inconveniency will over ballance the advantage proposed. If it be apprehended that this method will save Charges, It's said that the whole fees of the Judy will be no greater out of Court as is usual then as the bill proposes it. The method of Real Lease & Ouster in Ejectments cannot be allowed of; The Law of England is pleaded for our Standard in other Respects, and why we should avoid that to throw the people into much greater, trouble and danger is unaccountable.

In the Close an addition must be made to Revive all process that have been discontinued as well by the falling of the Courts as the Queens Repeal, I must further add what has been twice mentioned before, that it is very inconvenient in many respects for the Justices to sign all Writts, if they were issued of Course out of the office under the County Seal, it would much more answer the end. In the Orphans Court the whole Power of that Court within the City can't be Granted to the City Magistrates, but there may be one Court appointed out of both the County and City to serve for both.

There must be a Restriction upon the Power of the Courtin Directing the Education of Orphans in matters Religious. All Bonds & Inventories of this kind should

be Lodged in one office, and since that of the Registers is appointed by Law, it is the most proper place for them.

These Gentlemen, are my objections to that Bill, which when removed, I shall be ready to assent to it, notwithstanding I cannot altogether approve of the system, But not before; and of all those heads there is not one without which the Bill will not as effectually answer the End proposed by it, if there be nothing further than a Regular Establishmt. of Courts intended. And now as I have agreed to every thing thats necessary to this end, so if you will not joyn with me in it, but insist upon such points as I can by no means grant, & make those the Terms of your Concurrence, it will Lye wholly at your own door that they are not established by a Law.

The Countrey loudly calls for Justice, and I on my part earnestly press that it may be granted. Should I tack to the Bill or insert into the Body of it any Exorbitant grants to myself which you could not in the discharge of your trust think fitt to assent to, and should refuse to agree to an Establishment of Courts upon any other terms, the People might have just cause to complain; but while I crave nothing of you and am willing to agree in all points that are necessary to the Reviving of these Courts and opening the Currt. of Justice again, and yet you decline to concur in it unless I betray my trust, and agree to unreasonable Grants to you, which are not yours of Right, shows as if you prefer'd something else than the Real benefit and advantage of the people, whose interest is so deeply Concerned in and suffer by this Long delay. If their Exigencies and heavy Oppressions can so far prevail with you as to discharge your Duty to them, in this point, and concur in Enacting the Bill as I have proposed, it shall without delay be past into a Law, if not I will loses no further time, (for I am resolved the Courts shall

be held at the time at which they ought next of Course to sitt,) but proceed to use the power granted me by the Kings Letters Patent to ye Proprietr., By which I am assured I have as full authority to establish them with out you, as you have to Concur with me in enacting a Law for 'em. And after I am obliged to this, whoever shall dispute that power or endeavour to invalidate the Establishmt. as they will justly Deserve to be reputed Enemies to the Peace, safety & Welfare of the Govmt., and opposers of her Majesty's authority, so they shall not fail of being Treated accordingly.

15th febry, 1707.

Further to the Assembly Concerning the Court Bill.

HIS NOW A WEEK SINCE MY LAST MESSAGE, giving you the terms on wch the Bill for Establishing of Courts might be past was prepared, and intended for you, and had then been Deliver'd had not yor adjournmt. prevented. I have waited your answer to the utmost length of time that I can now stay, & therefore as I have often told you, being resolved that the Courts shall not be deferred beyond our next ensuing terms, of Course I am obliged to Establish them, by virtue of the Powers derived to me by the Kings Letters Patents, and have chose to doe it generally by such Clauses of your own bill as are more immediately necessary to the end; But as the Countrey will deeply suffer, should not all former process be revived, I herewith send you a short Bill only for that purpose, wch as it is a point that most nearly concerns the Interest of he Countrey that you represent, your immediate concurrence, with the main scope of it is expected that it may be published on Tuesday next at Chester.

22d febry, 1707.

To the Assembly Concerning the Incivility of the House and Sundry Matters of Legislation.

THE GOVR. HAS BEEN ACCUSTOMED TO MEET with such gross Rudeness from those He has now to treat with, that he resolved at length to take very little notice of any thing of that kind, to the obstruction of the smallest matters that might be of advantage to the Publick, and he is still resolved to continue the same temper, tho' the Incivilities and abuses of the last message from the House, seemed to have been strained on purpose to a height to try the extent of his Patience. But should he decline any further notice of it, as most certainly he will not at a Proper Opportunity, he doubts not but from their Proposal of representing the matter to our superiours, if they will but make good what they say, they will be more effectually taught their Duty & good manners, tho' he cannot at the same time but lament the consequences that will ensue upon these proceedings to the innocent People of the Province, who in reality are no parties to them, yet will be the sufferers.

To the three things last insisted on the Govr. answers:

1st. That the method of granting Licenses to Public House does not belong to such a Bill, and therefore he will not agree to have it inserted, but as he formerly proposed is willing yt no License should be valid or of force, that is not granted upon a Recommendation which fully answers the end proposed.

2d. The appointing of Clerks is already fixed by the Charter, and therefore the Govr. will agree to no manner of alteration in it, for upon their mismanagement in their offices there is the Same Relief against them, as against any other Officer in the Govmt.; what is proposed in the Bill is not the Practice, as far as the

Govr. can find in any of Her Majesty's Govmts. in America, And the House knows all statutes of England are not to be copied after.

3d. The Govr. has been as Earnestly desirous as the Assembly wt the fees should be settled, as his answers have plainly imported; But he believes there is a much Justice Due to the Officers as to any others of the Queens subjects to settle, which the Govr. will appoint a Committee of the Council, if the House, on the terms proposed think fitt to proceed with the Bill to meet a Committee of them, the Officers being present to speak for themselves, and whatever upon their agreement shall be found reasonable, the Govr. will readily assent to.

The Govr. further desires, that without any more Loss of time the Bill for reviving of Process may be proceeded upon, for the Courts of this term begin to-morrow.

24th february, 1707.

To the Assembly Concerning the Bills for Courts, Licensing Publick Houses and Removing Clerks.

THE GOVR. BEING STILL DESIROUS THAT ALL the wants of the Publick, should as far as in him lies be fully supplied, that fees may be regulated, & the pleas and process revived, thinks fitt to continue his offer to pass ye Bill for Establishing Courts, upon ye Terms of his last written messages.

The Govr. and Council were of opinion, from the House's message of the 22d of february, & still hope that the Assembly waved all those points that had been objected against, those of Licensing Publick Houses and Removing of Clerks, Excepted for the Regulation of fees could properly be no objection; The Govr. having always himself prest it.

To the first the House is desired to take it as the Govrs. positive answer, that the granting of Licenses being no part of the regulation of Courts, nor necessary to it, he will by no means agree that it be brought into this Bill; but is willing to Concur in any thing that can be reasonably proposed for the better regulation of Public Houses. The Invalidity of the argument. against the Govrs. Licensing of those Houses, taken from the objections of the Lords, is so very obvious that it requires no answer, for if because the Proprietr., after a surrender must not have that power; therefore, the Govr. ought at no time to have it, it will as well hold by the same argument, that because after a surrender the Proprietr. must not Exercise the Powers of Govmt., therefore there must be no Govr., and the House is earnestly Intreated to forbear troubling the Govr. with such empty amusements that only occasion loss of time, and by their weakness throw a reflection on yt Legislative Authority, which were this the only Instance of ye Kind, even in their last unwarrantable Remonstrance would not now be thus mentioned.

As for the Removal of Clerks, the Govr. is of opinion that there is as ample provision made by the Proprietrs. Charter as is necessary in relation to these officers; and being what the Proprietr. thought fitt to Grant; the factious humours that frequently predominate in these parts, render it unsafe for the Govr. to concede to more, tho' if there were than even Temperance here as in England, it might more easily be granted; but the House has often been told that our Circumstances, widely differing things will not equally suit and the House is desired to Consider, whether if the Govr. would absolutely refuse to pass an act for Courts unless the House would agree to establish a Militia for the defence of the Queen's subjects, and bring for an argument. not only one particular statute of England for it, but a great number together with the Practice of it

from the first beginning of Govmt., & further alledge that there are such acts past, not only in England, but also in every other Governmt. in the Queen's Dominions, and besides that it the Express Command of the Govmt. in England that there should be the same or something Equivalent here; should the Govr. absolutely deny to Restore the administration of Justice to the Countrey, unless ye House would consent to this for which so many powerful arguments are produced, they are desired to consider what their sentiments would be upon it, and to think of the Parallel.

For settling the fees, the Govr. renews his former proposal of having it done by Committees, & the House is desired to return their answer without delay, but they are in general required to take notice that the Govr. is well assured of the sufficiency of his power in Establishing the Courts as has been done, and that it was his indispensable duty so to do, and untill they shall be brought to another foundation by a Law he will assert that Power and Exact a full Compliance.

19th March, 1707.

Concerning Certain Delays in Legislation with Reflections upon the Manners of the House.

AT CALLING OF THE HOUSE THIS LAST TIME together, I hoped that after they had seen the Courts regularly held in every County of the Province, to the great satisfaction of the most discreet & understanding men in the Govmt., they would have more seriously Considered their duty, and no Longer have insisted with such obstinacy upon unnecessary points, to the great loss & disappointment of the Publick, But to my own great trouble and the unhappiness of the People; I find the same measures and temper are

Continued, upon which I shall in General Observe, that if what the House aims at were really (as they say it is) the Publick Good only, it will appear that either they widely mistake the means in their present management, or else by some unhappy Influence think it their business, as far as in them lies, first to involve the Publick in Confusion, that from thence what some through their disaffection may account to be as good, may more probably arise out of it, for the present measures taken by them, can never answer the End, by any direct or war-raptable means, seeing unless they can have such points granted as are not all essential to the business in hand; (which is only to Establish the Courts of Judicature by a Law, and revive the Process) they positively refuse to pen any way at all, by which the Queens subjects may have justice administred to them.

But as I have been informed, that among many other misreports it has been industriously Diffused & insinuated among the People, that I am not willing upon any terms to pass the Bill proposed to me by the House, which as it can be spread upon no other than a most malicious and wicked intent to possess the minds of her Majesty's subjects, with falsehood and Disaffection to the present Govmt., notwithstanding I am well assured, that the Courts are now Established upon as Legal a foundation as they can be with your Concurrency; I have thought fitt, & do here solemnly protest & declare, and Desire that Due notice may be taken of it accordingly; That I am not only ready, but desirous to pass the Bill for Courts, sent up to me by the present House, as soon as you shall think fitt to amend it according to the objections sent to you the 21st day of febr. last, which when once done there shall be no manner of Delay on my part, & if you refuse on yours since not one of those objections are upon points material to the being or Regulation of Courts, it will belong to others to Judge how far the Publick good has been Considered by you, and however the weaker part

of the Countrey through any Indirect Endeavours by false suggestions and insinuations may be imposed upon; I shall be always satisfied in this, yt I have in all my proceedings with you, endeavoured by the best advice faithfully to discharge my duty to Her Majesty, the Proprietr. & the People. But whosoever shall hereafter be found guilty of spreading such false and seditious Reports, as their Design can be no other than to disturb the Publick Peace and Tranquility of the Govmt., so they must Expect to be taken Notice of accordingly.

In the meantime, In the further Discharge of that Duty I must not only expect but require you, as you will answer for the Trust Reposed in you, That if you still refuse to agree to the Bill upon the Terms I have proposed; You without delay concur in renewing the former pleas and process, for which you have a bill before you, and without which the Countrey must of Necessity deeply suffer.

The unmannerly Reflections and false suggestions of your last paper, with your frequent groundless & abusive Insinuations of Arbitrary Govmt., are best left at this time without any other answer, for at first view they so largely shew the spirit and temper, they came from that these alone, with capable Judges, may prove as Effectual as any that can be given.

21st March, 1707.

To the Assembly Concerning the Impeachment of the Council.

IN ANSWER TO THE LAST MESSAGE FROM THE Assembly to the Govr. presented this Day, the House is desired to Consider, That

The Parliament of England has a transcendent Power & Original Jurisdiction in itself by the Constitution.

The Govr. and Assembly of this Province have no power but what is granted. They have a power by the Kings Grant to Enact Laws which shall be of full force when made according to the Direction of the said Grant, and Published under the Seal but not before; No agreement of the Govr. and Assembly in any point, will give it the force of a Law unless Enacted according to those Directions; therefore Impeachments can be no part of the Legislation of this Govmt., and they are of too high a nature to be made Incidents, only much less will any Resolve of the assembly alone make that Law wch was not so before.

If the assembly are the general Inquisitors as has been said, they are then no part of the Judicial Power that should Try impeachmts., but are in those Cases only to prosecute; therefore the whole Power of Judging is given to the Govr. alone, without Law, which is to grant him a much greater one than ever he will be willing to use arbitrary in the highest, and it is strange the Assembly should offer it wn. there is nothing in the Kings Grant to Countenance it, and yet Dispute his Power of Establishing Courts, tho' in Express words granted by the Charter.

The Govr. has always been willing to hear the proof of the articles against the Secry., and when sufficiently made out he will be ready to make use of all the Power he is invested with to do Justice to the Injured, beyond which no reasonable man can expect he should proceed.

If the House are of opinion, that the Govr. has in himself the same Power in this Govmt., to hear, try and give Judgment upon Impeachments that the House of Lords has in England, or that their vote or Resolves can fully enable him so to do, as what they have said seems to imply they are desired to give it in Express terms accordingly. The Secry. finding himself aggrieved by the Delay of Prosecuting the Charge agst. him, and presenting the annexed petition, thereupon ye

House is desired also to take it into their Consideration, and Joyn with what the Govr. has proposed in giving speedy Relief.

14th May, 1707.

To the Assembly Directing that No Addresses or Representations be Sent to England until they have been Communicated to the Governor.

GENTLEMEN:

It is by accident only that I am now in town at the time of your meeting, and not by design, for as you have taken upon you or Endeavoured at least to invert the order of Govmt. by adjourning your selves at pleasure, and then send me notice of the time when you think fitt to meet again, as if I were to attend your appointments and not you mine, so I must lett you know I cannot take notice of any such adjournments.

But being informed that the business of your present meeting is chiefly to agree to & sign some addresses or Representations, to be sent to Englanl; I must require you forthwith to lay before me all such addresses or Representations as are or shall be prepared by you, and that you presume not to send any such out of this Govmt. untill they have been fully communicated to me, as they of right and Justice ought to be, and as is practised in other Govmts., & hereunto I desire your answer without delay; & then adjourned.

10th June, 1707.

Introductory Speech to the Assembly, with Remarks
upon the Conduct of the Preceding Assembly.

GENTLEMEN:

Although, as I perceive the choice of Representatives in Assembly has fallen Genaly. upon the same persons now, as were in the last year, with whom so much time was unhappily lost, by I know not what Influences, wch. might and ought to have been spent in the service of the Country; yet I am now to look upon you as a new choice, And you are to consider yourselves as intirely disengaged from those differences and fruitless disputes, which they very improvidently and unnecessarily fell into, and maintained. And this you will find to be the first effectual advance to business, and without which it were in vain for me to meet you. I shall then, without any Design of Reflection upon the proceedings of the last assembly, (ffor they will have their weight elsewhere,) but for the benefit and use of the present, in a few words. point to those Rocks they split upon, wch. you may easily avoid. The Chiefest, and I think the cause of most of the rest, was the Assembly's being so fixed on, and tenacious of every thing they themselves proposed, tho' altogether foreign to the Great Business then in hand: No less than the Restoring to her Majesty's subjects, the Courts of Judicature, and Reviving the Pleas and process, the very Essentials of a well regulated Governmt.; that severall things inconsistent with my Duty, tho' not essential, were put into a Ballance with those great Rights the People then languished for, which I do most seriously protest was my Earnest desire to pass a Bill for, and was Ready to agree to every thing consistent with a Just discharge of the trust reposed in me for that end; and I doubt not but when you come to a Review of those affairs, you'l find that every thing necessary to the Establishment of Courts has been actually consented to,

almost in the very manner proposed, (altho' many things in that bill might have been found at a time when there was less necessity for a Law, not altogether proper,) and that it must appear very unaccountable to Impartial men, that the House could not think fitt to agree that the Country should have any Courts at all, unless I would suffer a Bill, stuffed with various matters, not any ways then pertinent, to pass; I hope what I have said will serve for a sufficient caution to you, of falling into the like mistakes, whereby this Province, instead of Enjoying the Great advantages and benefits of the best of Constitutions, vizt: Assemblies, may have cause to think them the Greatest Grievances.

Gentlen., what I have to offer to you for the Service of the Country, is to Recommend to your Consideration, the preparing Such a Bill for the Establishing ye Courts, that may consist with Reason & my Duty to pass, ffor Certainly I shall pass no other; And this I Propose Not from any Necessity we lye Under of such a Law, the Courts being settled by as good authority as any is desired from the Royal Charter; but to Convince you that I'm still truly Inclind to give General Satisfaction by a Law, and to Remove those ill Impressions that have been made upon the Ignorant against the Present Establishment.

And if any thing on your Parts may be thought upon for ye Honr. and Service of the Country, I shall freely Accept your proposals, And readily agree to wt. ever is Conducive to that End, when I return to meet you again, for you know how manifestly the affairs of the lower Counties interfere with those of the Province, by reason that her Majesty's service does Immediately require my presence there, whither I design to morrow, where I shall use all possible dispatch, and in the meantime it is necessary that you be adjourn'd.

14th Octbr, 1707.

To the Assembly Reprobating the Spirit of that Body
and in Consequence thereof Proroguing the House.

GENTLEMEN:

I can't but be very sorry to find by your address of the 17th of of Octobr., sent me to New Castle, that you have utterly rejected the good advice I had given you for avoiding those practices which proved Destruction to the advancement of Business, during the last Assembly, and that you have so positively Enter'd into a Resolution of following their Example. The Consequence of which will be the losse of another year, wch. I know not how you will be able to answer for, since you have thought fitt to make their proceedings your precedènt, wch. I have in discharge of my Trust, fully represented to her Majesty's Council for the Plantations, and thereby excluded yourselves from the benefit of my last offer to you of a law for Courts; I shall think it my Duty to wait those orders, as I have good cause to Expect will be given thereupon; and shall not so mispend ye Country's, & my own time, as to give those so often Repeated arguments against unreasonable Demands, to men Endow'd with so Extraordinary a faculty of Resisting Even Reason it self, & their own happiness, and miserably perverting all offers of favour & Indulgence made to them, of which this address has given Renewed and full Instances; & tho' it were too tedious to take notice of them all particularly, Yet I shall mention one whereby it may be plainly seen what base returns have been made, and may be Expected from such tempered men. You tell me that if the People then languished for these great Rights, vizt.: (the administration of Justice,) that you entreat me to consider that the Repeal of the former Law about Courts, came to my hand, long before that Assembly were Elected; and if the Assembly in being at the arrival of the said Repeal would not agree with me to settle

them by a Law, I had the opportunity of doing it sooner in the method since taken & applauded, & if blame be due to any, you know where to place it.

When the Speaker of the present House was one member, with three other Gentlemen,* who were sent by that House, in a Message to me, Earnestly to request the putting off to the next Election, ye Consideration of a bill for Establishmt. of the Courts, which I had caused to be prepared and sent to them, & wch I very unwillingly, at their Importunate Desires, consented to; And this is the Return I have mett with from you, and it is very Easy to know who has misled the House in this particular, and Suffer'd you unjustly to impute blame to me, when you should have been informed (as you might from your own Journal) it was not there due. So that such unfair dealings, having left me entirely without hope of any Change in you for the better; I shall only in the mean time take care that the Countrey may not be loaded with the great Charges that would Accure by the tedious and fruitles Sessions of this their Second Choice, wth out the hopes of any Equivalent of profit to them.

But before I dismiss you, I cannot omitt taking notice to you, & ye World of the Strange Treatment I have mett with from you, by your unjust imputations, Reflections and Investives upon my Speech, made to you at your first meeting, Wherein I defy any Reasonable man to Shew me the least Provocation for such Language; But I may cease wondering, when I consider that it is done by men, who at the same time have taken the Liberty to tell me that my Most Serious protestations (ye truth of which may only be judged by God & my own Conscience) are but pretended; a Treatment so savage that the most Inferiour and basest sort of men are not suffered among themselves to use it with impunity, wch nevertheless you have made the Stile of a

*Vid. Min. of Executive Council, 3d Octob., 1796.

house of Assembly to their Govr. while he is Discharging his Duty; What is due to such Language between Man & Man, is well known to the World; but I must confess I am to Seek at present what return to make to ye evil Tongue of a Multitude, where is Shame & dishonour, but hope ways may be found to Reduce them to their own good, and bring them to a just Sight of their Error. And in the mean time I do hereby Signify to the House that they be prorogued to the last Day of September next, unless her Majesty's Command or some other Exigence Shall Require your attendance before that time.

To the Assembly Concerning Methods of Preventing
Loss to the Commerce of the Colony by the Action
French Privateers.

GENTLEMEN:

The occasion of yor. being so unexpectedly call'd together, is to lay before you the heavy pressures and Greivances we at present lie under, the greatest that ever, I suppose, this Province, as yet has felt, in having our River & Capes so beset with the Enemy, that our Navigation has been renderd almost intirely impracticable; and the Loss that your Trade, the only support of this place, has very lately sustained by the Unhappy adventures and Traders being ravaged & Plunder'd at his own Door after the many Risques abroad, and the real danger we daily lie exposed to of suffering more from such an encroaching & unresisting Violence, must sufficiently shew the necessity of taking measures to drive so Destructive an Enemy from that station, which they seem to have taken up, through on Opinion, that they could no where Committ their Spoils with so much safety. Whatever is to be done on my

part in Order to this I am ready and willing to perform, but as nothing of this kind can (in my apprehension) be carried on Effectually without some supplies of Money, and you, Gentlemen, at present making up that part of the Govmt., wch is Necessary to concur in your raising those supplies, I hope wth reason expect from our so unhappy a Condition, that you will, without any loss of time, fall upon such measures as may enable us to put a stop to so insupportable and Growing an Evil.

The Sole End and Design of Govmt. is to maintain Justice, that is to preserve to every man his Right against all Invaders. We have Laws agst. Thieves & Robbers, and we have officers to putt those Laws in Execution, if they resist they are taken by force and by force, when occasion, are obliged to Submit to the last extreimity; and without this there would be no such thing as Government. If then, we find it our Duty in Governmt. to suppress a private or particular force by all the means necessary to it, how much more incumbent is it on us, as a Governmt. to suppress that force, which is destructive to the whole. And now, Gentlefor ought I know may be the very time, by a prudent discharge of your Duty to prevent the utter Ruin of this place, for unlese a Check be given to their boldness to Convince them we are not to be plunder'd with such ease and safety as they seem to believe; We have very great reason to fear that they may, & will visit us in our houses, as they have done to some better defended Colonies. Such is, Gentlemen, without any aggravation, the present unhappy condition of her Majesty's Subjects in this Govmt., which loudly calls for ye help of you, their Representatives, and wch I think is in your Power to give, without offering violence to any principles except such as are agst. answering the end of Govmt. mentioned before.

I deferr'd calling you to gether during your necessary

affairs of harvest, yt you might with more alacrity enter upon the business proposed to you, & now I hope you will unanimously endeavour for the Service of the Country in so great an Exigence.

3d August, 1708.

Further Concerning the Necessity of Preventing Loss by French Privateers with Remarks on Certain Criticisms made by the Assembly upon the Disposition of Public Funds.

GENTLEMEN:

The Distresses that her Majesty's Subjects in this province lie under, and the Plainness I have used in representing them, would now I thought, if ever, have obliged you to treat so important a Concern, with the Candour that becomes men of reason upon so pinching a Necessity; I could not but think it reasonable to expect, that you would, if possible, have come to some speedy resolutions to put a stop to the growing mischief and impending Dangers with which we are daily threatned; or if you should find this (as I conceive it is not) impracticable; That then you would propose such other Methods as you should judge for all our safties, to be most avisable. To have this effected, is so highly incumbent on me in my station, that I must once more urge and press the matter very earnestly; And tho' I am resolved to avoid spending of time, as has too often been done in fruitless Messages & Returns to them; Yet lest you should think that what I have reced. from you, ought to be taken as an answer to what I laid before you; I shall with the same Plainness take notice of each Particular of it, that upon a maturer Consideration, you may think yourselves Obliged to fall upon Measures more becoming your sta-

tions, and the weight of the Matters now before us; I am sensible, Gentlemen, that the Calamity I have mentioned affects not this Colony alone, all her Majesty's Dominions are by the same means, (as it always happens in so pressing a War,) in some Measures suffers with us; But what Distinguishes us at this time is, that there is not one Colony in America that has so Considerable a Trade by their own Shipping, and a Town so inviting to an Enemy as this; But what has some kind of Provision made that may discourage an Attack or Invasion, While our Nakedness seems to be as well known to the Enemy as our name, or at least as our situation, & encourages them to treat us accordingly. It would be happy for us, 'tis true, if we could reap such a benefit from the authority, (as you say) that her Majesty in her Royal care of her subjects, & the safe guard of the Sea, has given the Ld. High Adml. and his Deputies, as to have our Coasts protected by that means without any Concurrence of our own, but it is in vain, I doubt, at present to Expect it. His Excellency Coll. Seymour, Govr. of Maryland, is now Vice Adml. of this Province, and has his Deputy in this place, but neither of them have any force, that I can hear of at their Command, wch they could, if willing, employ on this Service; To depend on such Relief would be to amuse ourselves in vain, of wch I cannot persuade my self that you your selves could be unsensible, even at the time you thought fitt to make yt a part of your answer; But if it be intended that I should have applied to his Excellency, the Govr. of New York, upon the first Notice of Losses for assistance from thence, I must inform you that besides, that I had no right to crave it, further than what his Goodness might have Condescended to, together with the first acct. I recd. of our Losses; I was also informed, that both her Majesty's Ships attending the Govmt. were then at Sea, & that one of them had spoke with the Privateer no longer

then a Day or two before he did the Mischief, but Was prevented by the weather from engaging, so that an express at that time could not, as it then appeared, have been of any Service; And further, I had so great hopes given me of putting something in Execution so effectually ourselves, that such an application at that time, would have been needless; But this fell to the ground, for no other cause than the want of a friend to bear out the charge, all other necessary offering at that time, with more ease, & in greater plenty than has been known in the place before; ffor my own part, I was heartily zealous to do all that became my station, & if any step was omitted that we afterwards found might have proved of use to us, that being now past, it may be lamented, but cannot be remedied. But what measures were or were not then taken, is not the point now before us; These past losses are not our only grievances, we lie daily exposed to suffer more, and without other measures, as I have already told you, are in Danger of utter Ruine & Desolation. To find proper means for preventing this, is the important business that most seriously concerns us all, Every thing that in this world can be dear to us, in a great measure depends on it; Nor is it to our selves alone that we owe this Duty, Her Majesty will expect it from us, lest by our failure, so Considerable a Colony should be cutt off from Her Dominions; And this I have already told you, cannot, as I conceive, be effected without some supplies of money, in which your immediate concurrence is absolutely necessary, but instead of granting them, tho' the occasion there is for them, can admitt of no dispute; I am most surprizingly turn'd over to an acct. of what the Propr. has from the beginning reced. by means of this Province, without remembering any part of his expence, upon the whole of which notwithstanding when taken altogether, he is at his Instant, as I have great reason to believe, very much a Loser, &

has deeply sunk his other Estate by it, wch. was clear Before, But I say, forgetting all his expences, whatever has been paid is reckoned up, as it were so much intirely gain'd, & being so, were to be accounted no part of his own Estate, but must be laid up in store for the uses of the People, and their future Exigences here. To mention this as the matter really is when divested of the Glosses put upon it to serve another end, is sufficient to expose its extravagancy, but that no shadow of pretence for declining so necessary a Duty as is now under Consideration, may be left unremoved, & to prevent the like on all future occasions, I shall here take notice of all you have insisted on, and clearly shew you that not one particular you have mentioned, is to the purpose now in hand; To begin then with what came first in Order, 'Tis very reasonable to believe that the Propr. having sold Lands to a great value. reced. Considerable sums for them, & we find he has reserved a Quitt rent on 'em all; but then upon inquiry, I perceive that in Consideration of that Money, & those Quitt rents, the Propr., by firm but Common Deeds of sale, granted the Purchasers a free Estate of Large Tracts of Land, which they, or some in their behalves now enjoy; & am told that heere is not in any of those Deeds one warranty to defend the Possessors agst. hostile or invasive force, or one Covenant that mentions Govmt., or the support of it, in any of 'em all, but yt forty shillings down, & one shilling yearly, was the Consideration paid on the other hand, for a hundred acres of Land granted on the other. I am sensible Gent., I have been told of these Quitt rents once before, to the great surprize of those that heard it, & know much more of the matt. than I could at that time; but upon a full scrutiny into the whole by some whom it concerned, I perceiv'd there could not be one trace found of any such compact, but in the pretended memory of two or three persons, who were noted to have stronger prejudices than reason;

& who in these points were not too much to be relied on; & was informed, that for the many years before that this Govmt. wanted supplies, this notion had never once been heard of, but was Just then started, and perceived it then to be greedily laid hold of, partly by some whose narrowness made every pretence to save money very acceptable, & partly by others, to whom any kind of handle to obstruct business was no Less agreeable, but was intirely exploded by such as were much better Judges, from clearer reason and better opportunities of knowing. So that upon the whole, Gent., I find the Propr., and those concerned for him account that these Quitt rents and the Govmt. here, are no more related, that his Estate in Europe is to that of Great Britain, & therefore 'tis impossible for me to Come at one farthing of them, to answer any of these ends now proposed, wch. I desire may be a perpetual answer from me upon this head. The next in course being two thousand pounds granted in 1700, (of which about £1600 was to be paid by this Province,) is as far out of my reach, nor can I find by the Act for Raising it, that ever it could be strained to answer any of our present occasions, were it in bank at this time, for it is alledged ye Propr. paid very dearly for it another way. The Impost, (whether great or small, I know not,) was then a yearly support, so long as it lasted, tho' not for three years as you affirm; While it was paid it doubtless had its service; but it has been expired these many years with all its profits, & therefore now yields not one penny. The next, & what comes nearer, is £800 Granted myself, which I have reced., & £550 more, as you say, by the Impost; the first is true, Gent., I acknowledged it, I have now been in this Govmt. above 4 years & a half, & have reced. by that tax, by Your Computation, £1350, which yet is not so, to wch. you may add if you please, one hundred a Year more by perquisites, wch. also is much more than they have amounted to;

& thus you will make up the even sum of £1800, or £400 a Year since my arrival. This at the present currt. excha. in £250 Sterling, not paid in England, where it would be of a much greater value, but in Pennsylvania, where all European goods are sold at near a Double advance, even in Sterling; I am not unwilling, Gent., it should be believed, (tho' not true,) that I have reced. so much yearly, for my support in the administration of this Govmt., & yet have not one farthing to spare out of it for the defence of the place, or other exigences more than any private man may on the same score, wch. assures you is the case; Nor have I ever before heard it suggested that any part of these sums were design'd for any other purpose than my own support, to wch. alone they have been converted, but much less that they were to defray the charges of such particular Exigences, for wch. in all Her Majesty's other Dominions, particular funds have Constantly been allowed, and their purposes as particularly declared, ffor what remains of that whole fund You very well know, Gent., how it was appropriated, and what Debts were to be discharged by it, wch. 'tis now found will with the other great Draught that have been made on the treasurer, take up the whole where it all Collected, but when this will be, is but too uncertain, the remissness of the Collectors being greater than all the methods the Council can use, have been hitherto able to remedy.

Thus, Gentlemen, I have more largely than I at first Intended, made it Clear to you that of all the sums You have mentioned, there is not one penny to be had to answer the pressing occasions laid you. 'Tis therefore Immediately incumbent on you to Resolve without delay, & lett me in clear terms know what is to be expected. I am not now asking any thing for my self, 'tis for your own immediate Service, it is you, it is all Her Majesty's Subjects in the Province, whose Interest and Estates lie at stake, and therefore call on those

in whom the power of Govmt. is lodged, for a speedy & timely Provision. My willingness, who am Concerned in the Administration, I have sufficiently express'd, it now lies only upon you to advise & Concur in what is necessary to be done, for without your assistance you well know 'tis impossible for me to effect anything; I shall not Direct you any further, only you may assure yourselves, that as this whole business is the most serious that can in this world be proposed to men, so it will be pursued accordingly; ffor give me leave to say, that tho' you are the present Representatives, there are great numbers of others, who finding their all engaged, will conceive themselves at least as Deeply interested, and therefore will assuredly apply to other hands for what they fail of obtaining from yours. I desire you to lay this, with the rest, seriously to heart, & to Consider that it is realities and not words that are wanted, & give me your Result in express terms, as speedily as possible, for after I have thus explain'd myself, there shall be no more time spent in message on this head, nor shall I be willing to receive any but what is directly & immediately to the purpose.

7th August, 1708.

Speech to the Assembly of the Territories.

GENTLEMEN:

I have not many matters to propose to You; But what I shall insist on will Doubtles appear of Weight to you, as the Protection of the People has ever been look'd upon the main Design & end of Govmt., so I have Constantly thought it my Duty to propose to every Assembly I have had the happiness of meeting, Such means as our Circumstances would allow of for that End; not only by providing by good laws against

Private & Particular Wrongs & Injuries, But also agst. the more general & Destructive ones of a Publick Enemy, in so dangerous a time of War; for wch end I pass'd a Law for Establishing & Regulating a Melitia, & I can with a great deal of satisfaction say, & I doubt not but most of you can joyn wth me, that ye Powers granted by that Law, have all a long been lodged in ye hands of such officers as have faithfully & with Diligence discharged their Duty, & that ye Inhabitants are in a much better posture of Defence than ever they were before that Act.

I need not tell you, Gent., that the Danger Continuing & Increasing, (as the Insults of the past Summer at our Doors do too Sufficiently Convince us,) I am under an Indispensable Duty still to press to your Serious Consideration ye necessity of Continuing those means, that in as much as in us Lys, we may not be wanting in our Duty to her most Sacred Majesty, by providing for the Safety & Defence of her Subjects wthin this Govmt., whom you now represent, Either by Continuing the same Act, or maying such alterations as time & Experience may have shewn to be necessary, wch I leave to your selves to Consider of.

I shall only Just mention the support of Govmt. to You, knowing you are Gent. who are sensible that it is a Duty, as well as that of Protection from it, And hope yt yor unanimity will bring you to a speedy Conclusion of this session.

15th Octobr, 1708.

Further Speech to the Assembly of the Territories.

GENT:

What I lay'd before you at your first meeting at this time, was what I thought became me in my station to propose to the Representatives of the

people, & I doubted not of your Concurrence wth. me in it; But now I find you start Difficulties, by Questioning my Power of Acting wth. you. In ansr. to wch. I muts tell you, Gent., that in Engld. when I reced. my Commission, I had not the least Reason to scruple ye Authority of it, since upon application to her Majesty in Council, I had without any Delay ye Honr. of her Royal approbation to be your Govr., upon wch. foundation, upon my arrival I Publish'd my Commission & approbation, & proceeded to the several Acts of Govmt. necessary, till such time as these counties thought fitt to Lay hold on ye Charter granted by the Propr., upon wch. foot I have continued to act wth. them Ever since, as I need not inform you, to ye passing many Laws more than I thought necessary for any Colony in America; having been always of opinion that the Laws of England in general, are ye best security for all her Majesty's subjects, & having for near five years Continued to Execute those High Acts of Govmt., without any thing appearaing to Question the Authority I acted by from Her Maty., (in whom alone all power of Governmt. is lodged, & from thence Derived,) or her Ministry; ye Question now put to me seems to carry an appearance of Greater hardship to me, than I would think I desirve, I must add that I am very well satisfied wth. what I have done; nor has, I believe, the Country cause to be otherwise; but if any person imagines he has, I shall only say that I expect shortly to have an oppty. in Engld., to ansr. it, & that during my Publick Employmt. here for some years past, I can't but have involvel my self in many affairs, yt will require all the time I have to spare from rendering ye Contrey any real services to Extricate my self of, therefore Can't think it worth my while to take pains to vindicate an Authority wch. will very shortly be invested in another, and shall therefore think it fittest for me in such Cir

cumstances, to Refer the whole matter intirely to be considered of as you shall see cause.

21st Octobr, 1708.

Denial of the Charges of the Assembly.

TO THE HONBLE. YE LIEUTT. GOVR. AND
Council of the Province of Pennsylvania, &c.

The reasons of my Giving the Covr. & Council board this Trouble being known, I hope I shall need make no other Excuse for it, which are the heavy charges the Assembly in their Address to the Govr. bearing Date the 9th of last month, have thought fitt to lay upon me, wherein by the first Paragraph of that Address the House have N. C. D. asserted that the ag-grievances & oppressions this Poor province has for some Time Labour'd under, have been occasion'd by the irregular Administration of the late Deputy Governour, Influenced by evil Council, to whom the Mis-eries and Confusions of the State and Divisions in the Govmt. are Principally owing.

Charges of such a Nature, & dress'd up in Terms so suitable, will Certainly make an appearance frightfull enough; But I have been too Well and too Long acquainted with the names and honesty of the men who are the Contrivers and Promoters of the Charges, to have given the board or my self a Trouble of this Nature about 'em, Who may Justly Expect a very different Treatment & answer from a Patience abused & provoked to the last; had they not as usually imposed upon honest, Well meaning men to Joyn with them, which has so Alter'd the face of the thing, that the Implacable & base malice of three or four men is covered under a mistake of a Representative body of the whole Province; Therefore I begg on the Govrs. part that he would be pleased to do me the justice to Enquire as

he shall see occasion, into the grounds of so much clamour of such worthy members of Council, whom he found at the board at his arrival, who served the country in that station During & under my administration, whom he will certainly find the Reverse of what that clause in the address Stiles, vizt: evil Council.

And of those Gentlemen of the Council, I had the good fortune to be advised by, & whose advice in matters of Govmt. has been strictly adhered to, and whose good service to the Country on all occasions Demand a vastly different Return than they have mett with, I have all the reason in the world to hope from the Experience I have had of their Candour, that upon a serious Reflection of the late administration, they will do me honour & Justice when & where they shall judge it proper to vindicate it from such mean & Dirty assertions; And I do not doubt but that those Gentlemen who have given sufficient proofs of their Courage & Constancy in opposing wth me the many Rude & Notorious attempts that have been Continually made upon the Govmt. by such factious and Turbulent men, will exert themselves so far as they justly may to shew the unreasonableness of such Imputations.

Their particular Charges I should be glad of an opportunity of accounting for, before those who have a Right to require it; But for that I must wait till I arrive in great Brittain, which is the reason I say nothing of them here.

I am, with all Due Regards, may it please yor Honour & Council, Yor Very Humble Servt.

JNO. EVANS.

12th April, 1708.



CHARLES GOOKIN.
Lieutenant-Governor.
1709-1717.



Chapter VIII.

CHARLES GOOKIN.

Lieutenant Governor,

1709-1717.

WHEN IT BECAME NECESSARY TO REPLACE Governor Evans an older and more experienced man was sought, and found in the person of Colonel Charles Gookin a Captain in Earle's Royal Regiment, who was, at the time of his appointment, in his fiftieth year. The Assembly promptly endeavoured to embroil Gookin in Evans' troubles, but he declined, much to the disgust of that rather turbulent body. He was soon, however, plunged into an abundance of troubles of his own with the Assembly and, during the eight years of his administration was much of the time at loggerheads with it. During the latter years of this period the Governor's conduct was characterized by marked eccentricity and extravagance, at times, even to the extent of actual insanity. His administration, which began in February 1709, terminated in May, 1717.

Proclamation for Continuing Officers in Place.

BY THE HONBLE COLL. CHARLE GOOKIN
 Lieut. Governour of the Province of Pennsylvania.
 & Counties of New Cast., Kent & Sussex, upon
 Delaware.

A PROCLAMATION.



Forasmuch as the Right Honble Willm. Penn, Esqr., Proprietary and Govr. in Chief of the sd. Province of Pennsylvania. and Counties, have thought fitt by this Commission, under his hand and great Seal, bearing Date the third Day of Sept. last past, to Constitute and appoint Me to be his Lieutt. Govr. of the said Province and Counties, with all necessary Powers and authority for the Well Governing of the same, wch said appointmt., the Queen's most Excellent Majesty, in a Council held at Windsor the Eighteenth Day of July last, before the Date of ye sd. Commission was Graciously Pleased to allow and approve of; I therefore, in Pursuance of the Trust in me Reposed, having a Special Regard to the Safety of the State and Government of the said Province and Counties; And to prevent failures in ye administracon of Justice therein, have, by and with the Advice and Consent of the Council of the said Province & Counties, thought fitt to Ordain, & Do hereby Ordain & Declare, that all ordinances, Orders and Commissions whatsoever heretofore, Issued by the said Propy, Or the honourable Coll. Jno. Evans, late Litt. Govr. of the said Province and Counties, which were in force on the first day of this Inst. february, shall, Continue, & remain in full force, power & virtue, untill my further pleasure shall be known therein, and that all persons whatsoever, who, one ye said first Day of this Inst., held or Enjoy'n any Office, place or benefit, By virtue of any such Commission as aforesd., shall Continue to hold

and Enjoy the same untill they be Determined by me as aforesd., or by other sufficient authority. And I do further hereby Command & Require all Magistrates, Officers, & Commissioners whatsoever, in whom any Publick Trust is Reposed in this Govmt., that they Diligently Proceed in the Performance & discharge of their Respective Duties therein, for the Safety, Peace, and Well-being of the same. Given under my hand and Great Seal of ye said Province & Counties, at Philadia., the second Day of febry., In the Seventh Year of the Reign of Queen Ann over Great Brittain, &c., And the Eight and Twentieth of the Propry's Govrmt., Anno Domini, 1708-9.

CHA. GOOKIN.

God Save the Queen.

Reply to a Letter of Complaint from the Assembly
Concerning the Actions of the Late Governor.

GENTLEMEN:

I am much a stranger to these affairs, & hope it will not be taken amiss if I take some time to Consider of 'em. I am unwill'g to look back to matters transacted before my time, but shall be ready to do all that I can for the Good of the Publick, for that was my end in coming here.

Introductory Address to the Assembly.

GENTLEMEN:

It would have proved a much greater Satisfaction to me if at this my first time of Speaking to you, I had nothing to take notice of but what I myself might have to lay before you; but your address presented to me in March last, when you sent me Notice that

you were Sitting, will, before we proceed to any other business, Require some Answer, In which I will be plain & as short as the matter will bear.

I thank you gentlemen in the first place for your Congratulations, and do assure you I come with full Resolutions on my part to Employ the Power with which the Proprietary has thought fitt to honour me, and her Majesty has been graciously pleased to approve of, to Render the People of this Govmt. as happy and Easy as is possible for me, in all things that shall concern their True Interest, and be to their Read advantage. I have Enquired what might be meant by those ag-grievances, oppressions and Confusions which you Complain of, and whatsoever I shall find that deserves those names shall meet with my ready Concurrence to remove them as far as they shall appear; but must say that I believe one effectual method to free all people from the apprehensions of Grievances, will be to lay all former animosities and Jealousies aside, and for the future apply themselves to such business as they are concerned in for ye Publick, with a freedom & openess of Temper, and an unbyassed Inclination to promote the Common Good, without any other particular views, if we could be so fortunate as to take Example from her Majesty's Glorious administraction of her Dominions at home, and that of her Parliamt., we should not fail of being Extream happy.

As to those two past actions of my immediate predecessor, of which you Complain, I can only inform you that they were both well known in Brittain before I left it, and that I had no directions to make an Inquiry into them, and that upon the best advice that I can receive here, I find they will not properly fall under my Cognizance in the station I am placed in, and therefore cannot hink it fitt to Concern myself with them. But I am obliged to observe to you that the Council of the Province now with me think themselves very un-

justly treated by the mention you have made of them, if they as 'tis Generally understood,) be intended by the Evil Counsel, of which you have taken notice, and therefore will take the Liberty to vindicate themselves, as you will see by their application to me, to wch I referr you. The Charge agst. the Treasurer, I find is occasioned by his and the Councill's understanding the act of Assembly, by which ye money that Comes into his hands has been granted, somewhat differently from what the present and late Houses of Representatives have done; he pleads ye Laws as his best direction, & you cannot but agree that 'tiss fitt that this alone (I mean ye Law) ought to Determine the matter. As far as I have hitherto been Capable, I have pressed the Collection of the Taxes, and shall continue the best of my Care untill they be finished.

The method of Establishing Courts by the Govr. and Council was also well understood in great Brittain, and was approved of there, as being grounded on unquestionable powers granted the Proprietary; the Bill formerly prepared by the Assembly for that purpose, which is now before the Board, has not been allowed of; but seeing the present Establishment, which was drawn, as I am Informed, according to the plan laid down in the Bill, Carries some Inconveniencies with it, and requires an alteration; I shall be Ready to agree to any other Reasonable Bill that you shall hereafter propose for settling Courts of Judicature in such a Regular method as may be a Lasting Rule for Holding them.

I have no Instruction, Gentlemen, from her Majesty, that will Concern you; Those from the Proprietary being to myself, as Occasion offers, & where it may be proper, I shall acquaint you with the particulars. I have ordered Copies of my Commission & her Majesty's approbacon to be prepared and Deliver'd you.

I shall now propose to your serious consideration some other matters of the highest importance, without

weh Govmt. Cannot Long Subsist, as a due provision for the support of it, & for ye Security of ye people, but what I shall principally Recommend to you at this time is in the Latter part of ye Paragraph of your address, (vizt:) to prepare a Bill for settling by Law how money shall be paid upon Contracts made, & to be made, before the new Currency of money takes effect; this, as I find by the great uneasiness of the people, is a Matter Will Require a very speedy Provision, & therefore hope you will find such Just & equal methods for it as neither the Drs. on the one hand, nor the Credrs. on the other, may suffer by the alteration; to which I desire you may Forthwith proceed with as little loss of time as is possible, after weh we may have opportunity to Enter into the Consideration of such other matters as may naturally fall before you.

13th April, 1709.

Concerning the Quota Required of the Province for the Expedition for the Conquest of Canada.

GENTLEMEN:

The Queen, for the good of her subjects of these Northern Provinces, has fitted out an Expedition with great Expence for the Retaking Newfoundland, and for the Conquest of Canada, and has intrusted Coll. Vetch with her Majesty's Letters & Instructions to the Respective Govrnrs. to agree on proper measures for the putting her Majesty's Designs in Execution, Boston, Rhode Island and Connecticutt have outdone Her Majesty's Expectation, & I hope you will not be wanting in your Duty

The Quota for this Province is 150 men besides officers, who must be Victualled & paid as others are; the Charge, I believe, will amount to about £4000, perhaps it may seem Difficult to Raise such a number of men in

a Countrey where most of the Inhabitants are of such principles as will not allow them the use of arms; but of you will raise the sum for the support of Governmt. I dont doubt getting the number of men Desired, whose principles allow the use of ym., and Commandrs may be appointed so to manage this affair that the Countrey may be satisfied, their money is not applied to any other End than this Expedicon. I must Desire you also to Consider the present Circumstances of the three Lower Counties; You are not now falsely alarmed; I find them Ready & Willing to Defend the Countrey, for they look on themselves as a frontier, to you tho' a weak one, and if they perish your Destruction in all probability will not be far of; Therefore, in my opinion, it is your Interest they be furnished with all things necessary to oppose the Enemy.

I have only to add, that as all private affairs ought to be postponed to her Majesty's immediate service, So it will not Consist with my Duty to hearken to any proposals, or Enter on any business with you till her Majesty's Commands are Complied with, and therefore I desire you will give this affair all possible Dispatch.

2d June, 1709.

To the Assembly Concerning its Refusal to Appropriate Funds for Purposes of War tempered by a Vote of Monies to the Queen as a Gift.

GENTLEMEN:

Her Majesty's Command to me, which I have laid before you to have yor. necessary assistance therein, as they concern a matter of the Vastest Importance to ye security of all her Dominions here, So by them Her Majesty's great Care & Tenderness to Her

subjects appears to a degree, that should incite all concerned to lay hold on the opportunity to express their Gratitude and affection, with the sincerest and most effectual Demonstrations.

The Glory of her Majesty's reign has not appeared in one thing more eminently than in the excellent Improvmt. she had always made of the vast supplies wch. Her subjects have with the greatest alacrity raised to answer the Publick necessities, that have always been equal to them; These supplies, Gent., are not less than one fifth part yearly, of all the Rents of Great Brittain, besides many other duties, all which are readily paid by people of all perswasions, because they know they are only employed to the advantage of the Givers, & yet their losses by sea, and the Damp on their trade has been at least as great at home as can be any where pretended in her Majesty's other Dominions.

I cannot, therefore, without some surprize, take notice of your neglect in the sum you have mentioned to me agreed to, to be presented to Her Majesty upon this valuable opportunity now given you to shew yourselves truly Dutiful subjects; words alone, I assure you, Gent., are not much valued by the ministry at Home, & £500 from Pennsylvania will add to 'em doubt, but very little weight; You say that were it not that raising money to hire men to fight, is against your Religious Principles; You should not be wanting, according to your abilities, to Contribute to the Designs in hand; But altho' you find a scruple in matters of war, no conscience can be pleaded to prevent you from Dutifully offering to Her Majesty, at a time when Her Publick necessities so much crave it, a sum that may become you to give, as well as be in some measure worthy of Her Royal acceptance.

'Tis certain that in time of so Hazardous & expensive a War, most Countries Concerned in it may have reason to Complain of a growing poverty, the general Effects

of War, yet notwithstanding all the reasons assigned by you, wch. equally reach most other places, (the mis-applying of Taxes only Excepted, wch. I have not yet found any one Capable to explain to me, I hope this Countrey has not as yet the greatest reason of all others to complain; The Govmt. is small 'tis true, but I cannot perceive that many labour under want in it; However, if we have but little, Lett us freely give a suitable part of it; Lett a reasonable assessmt. of so much in the pound be honestly laid, (it need not, I believe, exceed four pence, or six pence at most,) upon this Important occasion, and whatever the People's Estates be, the Tax will then be proportionable & equal, both to Rich & Poor, and to make it the Easier, because money is scare, it may be sent out out in Provisions, wch. the Countrey may be in a better Condition to spare.

To be short, Gent., all her Majesty's subjects every where, Contribute largely to the necessities of the Publick, and it can never be reconciled to a Dutiful affection in you to Exempt yourselves, as your present offer is but little better than an Exemption; It is so very inconsiderable that I cannot easily perswade myself to be assessary to so great a slight of her Majesty, as to assent to any act for it. I therefore earnestly press you as you Tender your Duty to Her Majesty, the Honour of the Province, Your safety & future security, the Enjoymt. of your present privileges, & your own Reputation, to take this matter again into your most serious consideration; Believe it to be of the highest Importance, not only to you, but your whole Profession, for tho' I perceive the principal of those in this place are for acting generously & as becomes them, to Her Majesty; Yet your proceedings at this time, will by many be interpreted to affect them all.

9th June, 1709.

Further to the Assembly Concerning the Raising of Funds for Military Purposes as Demanded by the Crown.

GENTLEMEN:

What I have so Earnestly pressed you to in the matter now before us, as on the one hand it was absolutely necessary on my part for the Discharge of my Duty to Her Majesty, in answer to Her Royal Letter, so on ye other I apprehended nothing could be more to your advantage than thus, to put you upon an effectual way of recommending yourselves to Her favour; But since you look upon it as a Design in me to Interpose between Her Majesty and you, than wch nothing can be further from my thoughts, I shall not be against your proceedings in any method that you can with reason believe will recommend you there.

That $2\frac{1}{2}$ d. per pound, as laid here on the value of Estates, is not at all Equivalent to 4 shs. in the pound, on all yearly rents, might easy be made appear, but I shall not now spend time on it, only must take notice that if you think fitt to lay but that assessment equally and Justly, I have reason to believe it will raise a sum that may come better up to answer the end.

I Question, Gent., whether you ever had more at stake than at this time, & am of opinion that more than you seem to be apprehensive of Depends on your present Resolutions. 'This Certain you cannot more effectually Gratify those who desire a Dissolution of the present Govmt. than by not Discharging your Duty at this Juncture, of which I shall once more Desire you seriously to consider.

11th June, 1709.

Refusal of a Request of the Assembly to be Dissolved.

GENT:

I cannot consent that the House shall adjourn any longer than from day to day, till the business now before us shall be fully Issued.

CHARLES GOOKIN.

Saturday, June ye 11, 1709.

Introductory Speech to the Assembly.

GENT:

The boldness of our Enemies this summer, in Plundering Lewis, Watering in our Bay, & sounding it as they passed along, is so remarkable, that it may justly give us occasion to apprehend a nearer visit; Therefore if means Cannot be immediately found, to oppose such an attempt with a sufficient force, yet several other things might be done, if there were a fund to defray necessary Charges upon an Emergency, that might in some measure conduce to our greater security; But at present we are so unprovided, that there is not money to pay an Express on any occasion; To supply this great Defect, I found myself obliged to call you together at this time.

The Chiefs of several nations of our Indians being now come in, there is an immediate necessity also for a supply to make them a reasonable present. I need not inform you of how great Importance it is to keep a good Correspondence wth. these people upon the Easy terms it has hitherto been done in this Govmt.; half of what you allowed for this purpose has been expended in messages, and other other half at least, in provisions, so that nothing remains thereof for a present; I am sensible money cannot just now be raised to answer th^e.

end, but you may find means to procure Credit, so that they may not go away empty.

I must also now take notice that there is no manner of Provision for my own support. The Assemblies of this Province have too often had an Eye in this case upon the Propry., but his late hard treatmt. from some he had too far trusted, has utterly disabled him, (were it in itself reasonable,) to Continue any such Provision; therefore 'tis necessary you immediately Resolve to contribute what is proper in this point, or otherwise you must expect a Change that may prove more chargeable.

What is truly necessary to be done for the general Good of the Publick, I will readily agree to, but must desire the shortest methods may be taken to obtain this, & what I have now proposed to you being of immediate necessity, may be answered without any manner of Delay.

27th June, 1709.

To the Assembly Concerning Sundry Matters of Legislation.

GENT:

I have been made sensible 'tis true that a great part of the Inhabitants of this Province cannot, in any case bear arms, and therefore I have not pressed it upon them; what I now offer is, that with a necessary supply of money many things might be done for our greater security, without engaging any man against his Religious Perswasion.

I am intirely ignorant what Ordrs. the Commander of the Garland has reced. in relation to this place, & should be glad to be informed by any that know. If her station be certainly what you mention, a small expence from this Govmt. might render Her more serviceable to us.

I am willing, Gent., to assist in any thing that becomes me in any station, but know not well how to understand what you now propose to me. Coll. Evans affirms, that he reced. only what was directly allowed by the assembly for his own support, & thinks not himself at all accountable for it. The Secry. seems to admire what induced the House to name him upon this occasion, there being none of it payable to him but for his own services as an officer.

I give you my thanks for taking my support into your consideration, & hope yt a Resolution on all hands to serve the Publick by the directest methods, & to promote unanimity & a good understanding among the People, will render future Provisions of this kind more easy. I shall be ready to agree, as I have told you, to any thing that is consistent with my duty & the Trust reposed in me, beyond which I hope none will Expect me to move.

I find several bills that have been sent Up to the late Govr. which were not agreed to, of which the principal seems to be the bill of Courts. Concerning this; I am to inform you, that tho' the Propr. is not at all against the Establishment of Courts by a Law, yet that I am obliged by his Instructions not to agree to those points in that bill, that either break in upon his Powers in Govmt. or his Just Interest, wth which I cannot see why a bill for Establishing Courts should Interfere. I am informed also, that the whole Constitution of Courts, as laid down in that Bill might be very much mended; all that is to be desired in this case is, that the Courts be sufficiently settled for the Ease and security of the People, without grasping further, & to such a Law I shall readily agree.

A Regulation of fees I perceive is Extreemly wanted, & ought to be drawn into a distinct bill; Many of those in the Bill of Courts seem to be too short on the one hand, as the Excessive Demands of some officers are

extravagant on the other, all which ought to be moderately and reasonably settled.

Tho' I have caused the Bills I have mentioned to be viewed, yet I cannot think it proper to Consider them fully, unless they were the acts of this present House, & therefore have now sent them to you to be further Considered.

29th July, 1709.

To the Assembly Concerning the Establishment of
Provincial Courts.

THE GOVR. TO COMPLY WITH THE ASSEMBLY's request in Relation to the Bill of Courts, has caused the most material papers that passed between the Govr. & Council on the one hand, & the Assembly of this Province, Chosen in the year 1706, on the other, Relating to the bill of Courts now Recommended to the Governour's Consideration, to be read at the Council board, and finds the objections & answers & Reply's upon them to have been debates, branched into so many heads, that it would Require more time and labour than can be now spared to Consider them all.

Wherefore he is of opinion, that the best & most effectual method to have that business Dispatched, would be to take the Essential parts of the Bill as they were drawn into the Ordinance, by which the present Courts are now Established into Consideration, and upon the experience had from the practice of the Courts since that time, to make such alterations as may appear most convenient for the Dispatch of business or necessary for the publick good; and to add such other matters out of the said bill as will be of use for practice, & are necessary to be enacted into a Law, waving whatever has been the subject of those long debates, because

without any of these additions, it appears that courts may be effectually settled and Justice duly administered, which is all in this case that is to be Labour'd for.

Some of the alterations that are though necessary to be made in that part of the bill by which the Courts have been Established, are represented to be these; that a more general Jurisdiction for the Provincial Court would be Convenient; that the Courts of Equity ought to be held by other persons than those who make up the Courts of Common pleas, and that these last ought in the County of Philadia. to be distinguished and divided from the Courts of Quarter Sessions for the said County, besides wch 'tis probable the Assembly may find some other particulars fitt to be Received.

The Govr. is very Desirous that a bill of fees distinct from that of Courts may be immediately proceeded upon, by a Committee as he before proposed, for he is of opinion with the Council, that it will be the safest method to bring each distinct matter into a separate act, that in case one be rejected at home, the Rest may not fall with it.

He seriously Recommends dispatch to the House in all things necessary for the Honour, well being and safety of the Govmt., and that nothing be suffered to Interfere with those great ends.

16th Augst., 1709.

To the Assembly Concerning its Indefensible Conduct
toward the Governor.

THE GOVR. CANNOT BUT THINK IT STRANGE
that after the Regard he has upon all occasions shewn to this Assembly, they should think fitt either to threaten him or suspect the Sincerity of his Intentions; to the first he says he will always discharge his Trust according to the best of his knowledge &

ability, and therefore shall not be concerned what applications in relation to his Administration are made to her Majesty by the House or any others. To the next he shall never desire the house to be more in Earnest or to shew more Candour than they shall always find in him; but must exhort ym., as they have a regard for the dispatch of business, & the good of the Public depending on that dispatch, to avoid such Language for the future, until occasion be given.

18th Augst., 1709.

Further Concerning the Bill of Courts.

THAT AS WELL FROM THEIR LATE MESSAGES as the Conferences had with them, it was understood they had intirely dropt all those matters that had been objected to in the bill of Courts, in february. 1706, saving only two heads, wch have since been very nearly agreed on, but that now to the Govrs. great Surprise, after it had remained with them for several days, in Ordr., as the Board expected to be altered according to those objections, they have returned it with but very little variation in those points from what it was before. That 'tis needless to mention what alterations are expected, being all contained in a message to the House, dated the 15th of february. 1706, all which but the two before mentioned they were obliged to Concede to; And hereupon, the said members are Ord'd. to press the House, without any further Loss of time, to put out of the bill all that was then objected to, & Consider also what further alterations may be necessary to be made for the good of the Public.

That the Board has not yet had time to peruse the bill of fees, but in general find them so exceeding Low, that it will be an oppression to the officers to agree to any such.

25th Augst., 1709.

Concerning Certain Matters of Legislation.

GENT:

I Could have wish'd that such Dispatch had been made in the Bills under Consideration, that they might all have been past before the rising of this present Assembly; but I perceive there are none as yet in a sufficient Readiness, besides the bill for naturalizing the Germans.

The bill for Establishing Courts, being contrary to Directions filled up in that part which directs the issuing of Process otherwise than has been agreed to, so that it must be altered there before I pass it; the bill of fees which ought to accompany the other, has been under a serious Consideration, and it appears that many of them are proposed by the Bill lower (Besides the allowance for difference of money,) than those settled many years ago, by a Law regulating all the fees belonging to the officers of Courts, which Law I find it still in force, & has been approved (as I am told,) by the Queen; besides that by this bill also some of the fees, as the Sherifs in all Criminal Cases, seem to be intirely omitted. But as the fees of all other officers ought to be Established by Law, I am very Desirous a bill should pass for them all, which since the narrowness of time will not allow to be now done, I hope it will, notwithstanding at the first meeting of the next Assembly, which now draws very nigh, and to that time I shall also refer the other bills before me.

But now Gent., I must be so plant as to tell you that tho' I have been very desirous to see all those matters brought to a Ripeness that they might actually be passed into Laws; Yet untill I see the Countrey as ready to discharge their Duty in providing for my support in the adminstracon, Independent from any supply from the Proprietor, who as I told you before, Cannot now (were it even Reasonable,) spare any part of his

Estate here, to that purpose. I shall account myself very unjust that that Duty I owe to my self if I concur in any other act in Legislation, tho' truly inclinable to do all for the advantage of the Publick, that can in reason be Expected from me. But a Govr. cannot lie under a greater obligation to the People, than they do to him, Nor Can that be accounted a free Gift from ym. which is but their indispensable Duty, for at this time there is no support for a Govr. in this Govmt. but what must be granted by an act of Assembly.

You told me that you had voted £500 to the Queen, £300 for the service of the Publick, & £200 to me, & you have lately further informed me that when I had Pass'd the other acts, the Speaker would present a bill to me for raising that money. 'Tis possible when the others were past the Speaker might do so, but Can it in reason be Expected that while you show so un-presidented, & unusual Diffidence on your side, yt you would not lett me see the bill but in private, nor allow that it should upon any terms be Communicated to the Council with whom I am to advise, (tho' you cannot but be sensible that should I design it, yet it is not in my power to pass a bill into a Law until the Speaker has signed it, which is usually done at the time of passing it,) Could it be Expected I say, that I should first pass all that you desired of ye, and yn. depend on your presenting that bill; Or can it be thought reasonable, or for the security of the Publick, that I should pass an act for raising and applying £800 to several uses, besides those £200 said to be granted to me, without taking proper advice upon it of those whom the Discharge of my duty, as well as my Inclination obliges me to consult in all publick matters; nor that I should have it in my power to object to or alter any one part of the whole Bill after 'tis presented. No, Gent., as I have no designs but what are plain and honest, so I must Expect a suitable treatment; and therefore, I

now desire you faithfully to lay before, the people whom you represent, and to whom you are returning what I have here said to you, and upon this occasion assure them from me, that unless they take care to grant a Requisite support, and in such a manner as is fitt to be accepted, I shall not at all think myself concerned to attend the affairs of the Publick in Legislation, & what measures the Proprietary will find himself obliged to take at home, I have formerly sufficiently hinted to you. But as I shall not be wanting on my side to Concur in any thing that reasonable, So I hope the next time I meet the Representatives of the people, We shall have such confidence in each other, & they will so far consider their Duty, & take such methods for effecting business, that all things necessary may be Concluded to our mutual satisfaction, & for the true advantage & benefit of this province.

28th Sepbr., 1709.

Introductory Speech to the Assembly.

GENT:

I had great hopes, before the last Assembly broke up, that several Bills then under Consideration, would have been Concluded & passed before the term of that House Expired; but being then disappointed in what I had reason to Expect of them, upon one of the Important heads that I had Recommended in the — day of June last, in Relation to the support of Govmt., I was obliged to defer not only that, but ye other affairs that lay before me till the meeting of the present House.

The Bill for Establishing Courts is very near finished; some progress has been made in the Bill for Regulating fees, & I desire it may be proceeded upon by Conferences between Committee of the Council & Assem-

bly, as before upon the other three bills, vizt.: the supplementary act for Raising County Levies, the act for Licensing ordinaries, which are all that Lie before me. I shall give you my opinion when the two others are dispatched; But I must here Repeat what I am sorry I have so much occasion give me to mention, that there is yet no manner of Provision made for supporting the Lieutenancy of this Govmt. from the Propr. were it in his power; It is not reasonable to expect it. I must therefore lett you know, that I cannot but Consider your care of that to be one of the first & principal parts of your present business. I am not, Gent., asking any favour or Gratitude to myself; I put you in mind only of your discharging a Duty so incumbent on you, that without it no Governmt. can have a being. I am sensible some advances were said to be made towards this in the last Assembly, but it is for your honour as well as mine that the bill be such as may become both you & me to concur in.

Gent.: Your are called for no other end than to serve the Countrey whom you Represent; I hope therefore you will study all possible means that man contribute to the Real Happiness of that which I believe you will find may be much promoted by Improving a good understanding between you & me in our Respective Stations. I would not willingly look back upon some of the proceedings of the last House, Only from thence I must give you a necessary caution to dwell less (than has been done) on that general Language of Evil Counsel & Counsellours, an artful method Generally used to strike at the Counsellors, but with me I believe without occasion, or that of grievances & Oppressions, words by God's blessing understood by few I find in this Province, who from them not in their own Imaginacon, for I assure you, Gent., if we are not as happy as the circumstances of the place will admit, it Lyes in your power to make us so, of which I hope you

will consider & use your Endeavours accordingly, with a Resolution to remove off whatsoever may stand in the way.

I have already said that I should not Look back to the Proceedings of the last House; but the Secretary has found himself so much aggrieved by their Remonstrance, that he has presented to me for my perusal a Long Defence, in which I shall not think myself any further concerned than to observe to you, that to my surprize he has charged the Speaker of that House with some proceedings, which if true, will require your Consideration, and some further measures to be taken upon them, for which reason I have ordered him to Lay a copy of them before you, and I must say, if that Representation be well Grounded, I cannot see yt under this Govmt., such a person can be accounted fitt for that station; but at present I shall no further inquire into it, Only Recommend to you to proceed with diligence in whatever is incumbent on you in your stations; As well in this as all other matters that may concern the Welfare of the Publick, & Honour of this Govmt. as now Established.

17th Octbr., 1709.

Order to the Sheriff of Philadelphia not to Suffer James Logan, Secretary of the Council, to be in any Way Molested by Order of the Assembly.

CHA. GOOKIN, ESQR., LT. GOVR. OF THE PROVINCE of Pennsylvania, &c.

To Peter Evans, Esq., High Sherif of ye City & County of Philadelphia:

Whereas, the members chosen to serve in Assembly for this Province, as appears by Certain Resolves, and Divers Expressions used by them on this occasion, as I am Credibly informed, have threatned to take into

Custody James Logan, Secry. of this Province, a member of Council the the same, & thereby would prevent his intended voyage towards Great Brittain, whither the Propry's. affairs do Call him, in which he is now ready to Imbarque; notwithstanding it has never appeared that any Assembly in this Province are in themselves invested with any authority to attach any person who is not of their own House, & much less a member of Council; nor is there any Jurisdiccon yet for the Tryal of such as they account offenders against them; And notwithstanding that at the time of making the said Resolves, they were not Legally an assembly, nor for the future can be such, until I shall see cause to Call them.

Now to prevent any disorder that may arise from such undue & irregular proceedings, I do hereby require & strictly Command you, the said Sherif, that you suffer not the said James Logan to be any wise molested by virtue of any order, or pretended order of Assembly whatsoever; And in case any of the said Assembly or others, under pretence of any authority derived from them, shall attempt to attach or molest the said James Logan in his person, I do hereby Command you to oppose such attachment; And that you by all means in your power, take effectual care that the peace of our sovereign Lady, the Queen, be kept, & all offenders against the same be opposed or Committed as Rioters; for which this shall be your sufficient authority. Given under my hand and Seal of the said Province at Philadelphia., ye 28th of 9br., 1709.

CHARLES GOOKIN.

Introductory Speech to the Assembly.

GENT.:

I dont Doubt but 'tis obvious to every one's understanding here why I could not agree with the last Assembly; But as I take you to have different sentiments from them in the Publick Affairs of the Province, and have no Designs in view but for the welfare of it, So you may promise yourselve my ready assent to all bills drawn up for that end.

And as I have often expressed my Resolution of settling myself amongst you, you will do me but Justice to believe I can have no aims Contrary to the Interest of the People.

Thus then I hope a Confidence in each other being established, you will Cheerfully proceed to frame such Laws as may answer the end of the people Choice, & make such provision for the support of Governmt. as consists with ye Character this Province ustly bears in all her Majesties Dominions.

I have not to add, but to recommend that dispatch to you wch the nature of the things will require, lest like some former Assemblies by long sitting, you bring the Country under such a Debt as perhaps they will not very willingly Discharge.

16th Octobr., 1710.

Introductory Speech to the Assembly.

GENT:

The Proprietor in his Letters to me, takes occasion to shew his Desire to serve the people of this Province, & leaves it to themselves to think on the means that may best Conduce to their own Quiet & Interest, and as it will be generally allowed that this

Assembly is Composed of persons of abilities to serve their Countrey, I shall not at this time propose methods to you, but shall Content myself to Recommend that in all your proceedings you have great Regard to the Honour & Interest of the Crown, that of the Proprietor, & the Publick Welfare.

These rules being strictly observed, you Cannot frame a bill I will not ready give my assent to.

Under these heads the Indian Treaties, (more especially at this Juncture,) and the Common Exigences of Govrmt. may be Considered.

As to my own particular, I must putt you in mind that I have been above three years Engaged in the affairs of the Province, & almost as long in it; What I have receiv'd of the Publick appears by the acts of the last Assembly, which is far short of what the Proprietor Gave me to Expect from the people.

But as I am unwilling to require any thing that may give them ye least uneasiness, I shall leave this with what I have aforementioned to your prudent Consideration, (Gentlemen,) who are their Representatives.

1st Jany., 1711.

To the Assembly Concerning Sundry Bills.

AS TO YE ACT FOR IMPOWERING RELIGIOUS Societies, &c., to Dispose of Lands, &c.

The Govr. observing the great care of our ancestors in Great Brittain, obvious by the Laws & Statutes there, for the prevention of the Great hurt & Inconveniencies which had risen & might Rise from suffering of Communities or Religious Societies to assume to themselves like powers or practices as proposed by this bill, is not willing at present to Concur in it, lest it should interfere with those Laws in a thing of so

great Import, the Consequence whereof being yet to him Dubious and uncertain, thinks fitt to take some further time of Deliberacon and Enquiry touching the same.

To the act for Establishing the lower ferry on Schuylkill.

It being under Indifferent good Regulacon & Certainty as to its fees, and it being a question with the Govr. concerning the nature of them, and what right may belong to the Govrmt., as perquisits, Inclines to take further Deliberacon thereon.

To the act for Regulating p'ty. in Philadelphia, The Govr. assents to it.

15th febry., 1711.

Introductory Speech to the Assembly.

GENT.:

The Proprietor, in a late Letter to a member of the Council, has signified his Intentions of surrendering the Govrmt. in a few months, & I have reason to believe I shall not be Continued under the Crown. Therefore, I have the less to propose to you, but if you can think how I can serve the Publick during the little time I may be in the administration, I shall be very ready to do it.

What I have to offer is, That for the Credit of the Province, you would take such measures as the money you have granted may be punctually paid when demanded, & that the Debt which the late Assemblys have allowed may be honorably discharged, for which 'tis to be doubted there is sufficient fund Provided.

And among these, (Gent.) I hope the two hundred & fifty pounds, part of the sum granted to me, may not be made a postponed Debt of the Province.

That the Debts on account of Indian Treaties ought to be forthwith paid I believe you will allow, As also

the necessity of sending these strange Indians, now in Town, away well satisfied.

They have proposed, in behalf of the five Nations, to Establish a free & open Trade between them & us for the future, which I believe will well deserve your Encouragement.

Gent. As the first Assembly I mett had a regard to the Charge of my coming over, so I hope you Gent., who in all probability will be the last I shall meet, will have some Consideration of the Charge of my going back, since my Great end in it is to wipe off the Calumny thrown on me for passing some acts the people thought necessary, & otherwise my endeavours to serve the Proprietor & the Publick.

Now after all I can hope for & my administration over, I shall find myself a great Looser by Coming to Pennsylvania. But this is a Melancholy subject, at least to me, and I shall wave it, & only wish that every member of this Assembly would make my case his own, & then Lay our Saviour's Great Rule to mankind before him.

15th Octobr., 1712.

Introductory Speech to the Assembly.

GENT.: The Governmt. is not yet surrendered to the Crown, & its Probable will not for many months, & Consequently I am still invested with the Proprietors Power, Which I am ready to make use of for the welfare of the People, in all their Reasonable Expectations.

But I must first Recommend to you, as I did to ye last assembly, that the £2000 Granted for the Queen's use, may be made ready paymt. when Demanded; And that the Complaints of those persons, whose servts. were on

the Expedition to Canada may be answered, for notwithstanding the Powers Given for the Raising that money, 'tis not yet paid in.

The Law for Cultivating a friendly Correspondence with our neighbouring Indians, I am Informed is almost Expired. In my opinion, it will be necessary to keep up a friendship with them after the usual manner, tho' in time of Peace, since upon that foot we have always acted with them.

I am Concerned to hear that the Reputacon. of this Province in its Chief Manufacture, (wch was once so good) is now so much sunk abroad, Occasioned by the Covetous & Disingerous Practice of some Bolters. This may be worth your Consideration.

Gent.: I take this opportunity to Give the Countrey my Thanks for the Care that was taken for my support; my administration of the Last assembly, and tho' the funds fall very short, I believe they intended well, and I promise myself the Deficiency will be made up by you.

And as there is no Govmt. in America where the Govr. is not in some measure supported in his administration, I hope you will not make a president in me of the contrary; I shall urge this no further, but leave it intirely to your Consideration.

15th Octbr., 1713.

To the Assembly Concerning the Action of the Lords Commissioners upon certain Laws.

GENT.:

I have lately received from the Lords Commrs. for Trade & Plantacons., as well the Confirmacon. as allowance of several of our Laws, which according to Her Majesty's Command I have made Publick. I

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lay the Letters & Orders before you, & recommend the state of the Province at this Juncture to your Consideration,

You will find in the Lords Commissrs. Letters mention made of the Solicitor General's reasons for the Repeal of some of the Laws, but they are not yet come to my hands.

I have only to add, that the year being almost Expired, you would give some dispatch to those affairs I laid before you at your first sitting.

4th Augst., 1714.

To the Assembly Concerning Certain Legislation.

GENT.:

I endeavoured yesterday all I could to gett a Council to advise with what answer to give to your address, but in vain; if there should be a failure of what is necessary for the Public Good at this Juncture, I hope it will not be imputed to me, as I was ready to do my part.

Although the Reasons for the Repeal of some of our Laws are unhappily left behind, it does not follow that the Current of Justice should be stopt, as of necessity it must, if some Provision be not made for Inquest & Evidence. I leave it to your Consideration whether the Postponing a Law to that end may not be prejudicial to the Countrey.

If you incline to adjourn, I hope you will Examine the Treasurer's acts, that I may know what money is Due to me from the Publick.

7th Augst., 1714.

Introductory Speech to the Assembly.

GENTLEMEN:

The last year being run out, & nothing done by that Assembly, I must refer you to what I laid before them at their first sitting, & to what I Delivered to them the 4th of August.

15th Octobr., 1714.

To the Assembly Concerning Certain Bills and the
Impost Bill in Particular.

GENT.:

Most of the bills returned you from the Council board being well digested there, I shall only observe to you that some of ym., Especially that for Enabling Religious Societies to purchase Estates, being word for word, the same with that which is Disapproved. I know not how I shall excuse my passing it again.

The Bills for the Manner of Issuing out Writts is a Novelty no where Practiced in his Majesties Dominions, & will not only Create Confusion in the Courts, but be a greater Expencc to the people, to which I must add that it is inconsistent with the Trust reposed in me by my Principal, to mangle an Office he has been pleased to Patent.

The impost Bill is of that Nature that the Council are more cautions in Giving their advice about it, so that being wholly left to my Self, I hope my objections will meet a friendly interpretacon.

That there is an arrear Due for my support for some time past, as well as a provision necessary for the time to come, I suppose Will readily be acknowledged; Which I mencon not as faulting the allowance made by the Bill, Could it be Certain, & received in a reason-

able time; But the method now proposed Will not, in my opinion, Raise any thing, for I am informed several merchants in this city Design to transmit home as soon as possible a Copy of it, and to Back it with a Good sum of money in order to get it repealed; Which they say may be obtained in seven or eight months, for that most if not all the Laws Laying a Burthen on Trade hitherto sent home, have been Disapproved; in the mean time they resolve to Refuse paying the Impost; and if their Effects are Seized, will Replevin & stand Tryal, and before Judgment Can't be obtained the act may appear here repealed.

To this is added that if Trade is in this manner, and at this time Burthened, it may be more so the next Year; and at Last the merchants way be required to pay the Assembly men's Wages, to prevent which they resolve to spare no cost.

Now admitt the merchants Complied with the Act, the arrival of vessels is so uncertain that little is to be Depended on that way, and I cannot propose to see one half of the first payment before the winter setts in, then no Assembly is to be Expected till the spring, by yt time or sooner I may be removed by Death or otherwise; and tho' the money is made payable to my assigns, there is no sufficient Grounds for an accon. against the Provincial Treasurer in Case he refuse to pay it.

Gent:

I cannot suppose you intend to Disappoint me, therefore lett all uncertainties be removed, and I shall, as near as is proper, answer your Expectacons.

23d March, 1715.

Summons for a Meeting of the Assembly.

CHARLES GOOKIN, ESQR., LTT. GOVR. OF THE
Province of Pennsylvania.

To the Sherif of the County of Chester.

Whereas, the Assembly of this Province, having in the month of March last Divers matters of the Greatest weight & Importance before them, Which required to be Dispatcht for the Publick Good & safety of all his Majesties subjects in this Govrmt., they, ye said Assembly, notwithstanding, tho't fitt without my Consent or approbation to adjourn themselves to the latter end of their yearly session; by which means ye Expectations of all good people, who depended on a suitable Provision to be then forthwith made to answer the several Exigencies of the Govermt. became intirely Disappointed, the Great inconconienencies of wch must still continue unremedied, untill another Assembly be Chosen, Unless they are called together before the Time of their said adjournment. These therefore are by and with the advice of ye Council, to require & command you that you forthwth summon all the Representatives Chosen in your County for ye sd. Assembly, that they meet me at Philadeia. the second Day of May next, to proceed to the Dispatch of the sd. affairs, & such other matter as I may have occasion to lay before ym., and without delay make return of this writt into the Secry's office.

Given under my hand & lesser seal of this Province at Philadia. the sixteenth day of April, Anno Dom., 1715.

CHARLES GOOKIN.

Introductory Speech to the Assembly.

GENTLEMEN:

Altho' your affairs would not allow you time, when last together, to Dispatch the Important Business then before you, Yet how consistent your breaking up & adjournmt. to ye end of the Year was to your Trust & Duty, you have by this time I suppose had occasion to Consider.

As by that adjournment, it followed that either the Great Exigencies of ye Govmt. must remain unprovided for till another election, or that I must call you again by a Writt. I found it necessary, in Discharge of the trust Reposed in me, to give you this opportunity of Retreiving what before you had otherwise put out of your power.

The administration of Justice is by all men acknowledged the life of Govmt., wch has to our Reproach, as well as great Insecurity to his Majesty's subjects here, lain for a long time Dead, and a Provision for my support, wch you are sensible is justly Due to me, both Call for a Dispatch, wch now you are more at leisure, I hope will be given them without Delay.

The Bill prepared for the first of these may be Easily Accommodated, if you will prefer good order & Regularity in your proceedings to novelty & untryed Experiments, and how unfitt the methods proposed for the Latter would be found, you Cannot, on further Reflection but be sensible; nor is it Improper to Consider how just the would have proved had they been practicable, since I find it a General Complaint of the merchants, that the Liquor from wch most of the Tax must have Risen will not now, after their voyages are made Return the first Cost to the adventurers. I hope, therefore, you will of yourselve be Convinced of the Necessity there is to take more equal measures.

Gent: I have since my arrival here mett with As-

semblys of very Different Tempers, wth. some of which I have not been able to effect any business, such has been ye unhappiness of this province in those years, but as you have Exprest a hearty Zeal for the good of the Publick, not without some Respect to my affairs, so I shall Depend on your Care & Resolution to Dispatch what relates to both, In which I must earnestly Recommend what Temper & unanimity which will always best forward Business, and shall only put you in mind, That the best Test of a People Principles is their publick actions when not accountable by any Law, but yt of their Consciencies & honour.

3d May, 1715.

To the Assembly Concerning the Support of the Governor.

THE GOVR. IS READY TO PROCEED WITH THE Assembly to finish the business Depending, but Can't be perswaded but that it is as much a part of the Assembly's business to provide for a support for the Govr. as for any other Exigence of the Country; the methods hitherto proposed will by no means answer the end, & therefor the Govr. Desires the House to think of some other that may prove both more effectual & more equal, otherwise he will have reason to think that while care is taken of all other, the wants of the Countrey; it is not intended there should be any regard had of him or his support in the administration, wch when the Assembly considers, 'tis hoped they cannot expect his Concurrence in other matters, upon terms so hard to himself. Both the Govr. and Countrey are great sufferers at present, for want of necessary Bills to be passed into Laws, & it Lyes wholly in the breast of the Assembly to make both Easy.

4th May, 1715.

Further to the Assembly Concerning the Support of
the Governor.

GENTLEMEN:

The Council are unwilling to assist me in answering your late message, & gave me a good reasons for it; being now alone, I shall not take it to pieces, but only take notice to you, That what you mention about my requiring security for ye money you Promised was spoken Jocularly, and so I told the messengers, & forbid them to Deliver it as a message; yet, you answer it as one, which I can't but say, looks with a very unkind air, & your mentioning a story of money offered me the last year is of the same nature; for 'tis very well known 'Twas proposed only by one person, & I with scorn Rejected it.

But to Come to the matter I am very willing to agree with you in most of the Bills proposed for my assent; But that of the Impost seems to me to be so unequally laid, that I cannot Clear my Conscience of Partiality should I pass it, as now Drawn up; Besides, should the merchants make no opposition to it, 'twill come very far short of the end you propose. Therefore, I earnestly Desire you will take it into your further consideration.

6th May, 1715.

To the Assembly Concerning the Maintenance of
Peace in the Province.

GENT.:

The Tumults that have hitherto appeared I have immediately Endeavoured to quell, and I hope with good effect. The Courts are now opened, the administration of Justice is restored, and if any should appear so audacious as to oppose the magistrates, they

shall not want my countenance and assistance to suppress the attempt.

I am sorry it should be surmised to ye Assembly by any, that those who show a malignity to ye magistracy, could have ground of hopes to prevail with me to favour them; On the contrary, they shall find (if there shall be any such) that I shall exert all the authority with which I am invested to support the Proprietors Powers of Govrmt. and the magistrates, in the execution of the Laws & full discharge of their Duty.

The commissions that are not yet Issued will be forthwith expedited.

10th June, 1715.

Remarks to Sassoonan and Opessah, Indian Chiefs.

THE GOVR. ORDERED THE INTERPRETER TO inform them.

That their visit on so friendly a Design as still further to strengthen the Bond of Peace between us, was very acceptable; That we Doubted not but they think themselves & their Children from Generation to Generation obliged to keep inviolably those firm Treaties of Peace which had been made, & which he had kept, & were resolved ever to keep firm on our side, and hope none of them have any real Cause to murmur, if they know of any they are Desired to mencon it freely.

That the Great Queen of England who had for so many years reigned with great success, was now dead, & was succeeded by a king, who has been a great General in the Wars, is a wise king, and has more Dominions than any king of Great Brittain ever had before him; that under him as well they (ye Indians,) as we his other subjects may live in the same peace that we have enjoyed at any time before; That our Propry..

their friend Wm. Penn, is still living, tho' but weak in health.

That as to the Complaints they made Concerning Trade, the Govr. is sorry he Can't give ym. a more intire satisfaction in it, & remove every hardship they lie under; But that all trade is uncertain, Our own wheat ye last year yielded twice the price it does this; All our Goods yt they buy are brought from England, whither we also send theirs; That sometimes a habit that is in fashion one year is laid aside the next, and accordingly the skins they are made of will be of a higher or lower value. It is the same with all our other merchandize as with those that they buy, their own security & safety will be to trade with the honestest men, and those of the best Reputation, and prefer those who will give the most, that this is our Rule in all our business, and they must do the same.

That Opessah has long been under a League of friendship with us, and tho' he has now left those Indians among whom he formerly lived, yet we shall shew him the same friendship as ever, & shall Depend upon the same from him, and that upon this further Recommendation of theirs, he will think himself as one of them, & under the same bonds with them, and therefore we desire as he lives at a great Distance, & may see many foreign Indians, he will from time to time Inform us if he hears of any thing new that may Concern us, & this we desire & shall Expect & Depend on from him & all his friends there, as also that if they know any thing now of any late motions to or from the Southward, they would acquaint us; Concerning wch being particularly asked, Opessah affirmed he knew nothing.

The Govr. further Ordered they should be told, That all the sober English very much lamented that they Could not Guard themselves better against Liquors. That they should send their young men abroad to hunt, & at their Return should sell their goods for such things

as would be of real service to them, & not throw it all away for that Destructive Liquor Rum, which robb'd ym. not only of all their goods but their lives also.

15th June, 1715.

Remarks to Sassoonan, Matasheechay, and Opessah,
Indian Chiefs.

THE INDIAN CHIEFS, VIZ: SASOONAN & MATASHEECHAY, with Opessah, being called, ye Govr. acquainted ym. that he, with the Council, were Extreemly well pleased to see them, & with the Treaty that we had with them, but could have wished they had more effectually taken the advice that was given them to forbear Excessive Drinking, & especially to avoid Rum, wch since it disorders them so very much & ruins their health, they ought to shun as poison; for tho' valuable Good men, when sober, yet when overcome with that unhappy Liquor, they are quite lost & become beasts. That had the Govr. thought they would not have taken more care of themselves he would have prevented their buying it, and must Do so the next time they are so kind to visit us, that so we may be able During all the time of they stay to Converse together.

That now however he is glad to see them sober again at their Departure, and was willing to speak with them before they went to furnish them with some provisions for their Journey.

That we have now had with them a very friendly Treaty, which wth. all others heretofore they are constantly to remember.

That as they spoke in behalf of all the Indians on this side of Sasquehannah, Excepting of those of Conestogo, the Govr. wishes that they had also come with them, but since they have not, Sasoonan & Metasheekay are

Desired to inform the Chiefs of Conestogo, viz: Soteer-yole & Taghuttalesse or Civility, that they have been here renewing their League, yt we were sorry we saw not all our friends together, That to ye end they might be partakers of the same League, we had sent each of ym. a matchcoat, & should be glad to see them with the first good Conveniency.

That hearing their design to leave Conestogo, We should desire an opportunity of discoursing them before they quit that antient settlement, and that they should say the same thing to those who are removed; That the better to Cover them from the night dews in their travels, we give each of them a stroud matchcoat.

That as they had particularly recommended Opessah, We were very well pleased with their regard to him, and as a token of our taking him into the same friendship with them, now gave him also a Stroud.

22d June, 1715.

Order directing the Indians to Destroy all Liquor
Brought Among Them.

BY THE HONBLE CHARLES GOOKIN, ESQ., &C.
Whereas, Notwithstanding the several penalties laid by the laws of this Province, upon those who sell Rum to ye Indians, Complaints are made by them, that great Quantities are still carried into the woods to their great Loss and Damage. For the more speedy prevention of wch., 'tis Ordered by the Govr. & Council, that all Indians who shall at any time see any rum brought amongst them for sale, either by the English or others, Do forthwith stave ye Casks & destroy the Liquor, without suffering any of it to be sold or Drank, in wch Practice they shall be indemnified & protected by ye Govmt. against all persons whatsoever. Dated at Philadelphia, ye 22d of June, 1715.

Introductory Speech to the Assembly.

GENT.:

'Twas with great alacrity I passed ye Bills laid before me by the last assembly, & I gave the Countrey my hearty thanks for ye Provision they made by a Land Tax for my support in ye administration; But I know not what accident ye Law for yt end is rendered ineffectual. I hope, Gent., you will not leave me under any uncertainty in that affair.

Gent.: I am to acquaint you that I have Writt to the Proprietor for his leave to go home in the spring, & to some persons of Note to procure me the King's Lycence of Absence for twelve months till I return, or that you have another Govr., No laws can be passed by ye Council, whatever Difficulties ye People may happen to Labour under; Therefore, I give you this notice, that you may prepare such bills as may be necessary for the welfare of the Province, & you shall find me ready to joyn with you.

15th Sbr., 1715.

Introductory Speech to the Assembly.

GENT.:

By what mistake or misfortune you mist your adjournmt., I shall not inquire; you are now restored to your privileges as at first, and I am ready to joyn with you, to enact such Laws as may be for the Interest & Tranquillity of the Province

To what I laid before you at your first meeting, I must recommend to you that a Law may be made to Impower aliens to hold & enjoy Lands; That a duty be laid on Goods imported from New York & Province adjacent, equivalent to what they have laid on ours; And that the Property act be revived.

Gent. I must on my own part Recommend to your Consideration that I have been almost Eight years in ye Proprietors service, & above seven in the Province, yet have not received from ye Publick an Equivalent to what I left to serve them. I shall make no demand, but leave this matter intirely to you.

Should it be my misfortune to be disregarded in this point, I suppose I cant be justly blamed if I solicit to be recalled, & I heartily wish such a person may be sent to preside over you, who will bring with him a stronger Inclination, (if it be possible,) than I have, to exert himself for ye honour & Interest of the Proprietor, & for the Interest & happiness of the People.

2d May, 1716.

Concerning the Adjournment of the Assembly.

THE GOVR. ANSWERED THAT HE WOULD not object to their proposed adjournment, provided they would first Give a reasonable answer to what he had recommended to them in his first Speech, and the latter part of his last Written message, otherwise he must necessarily apply to Great Brittain; That he knew nothing of the Laws being remitted to England, nor had received any advices from thence for a Considerable time past. That he must be Extreemly Cautious how he proceeded in relation to ye Criminals in Prison, & the Execution of such Laws as touched ye life of man, but he would advise with such persons as are well skilled in the law, on whom he could rely.

4th May, 1716.

Introductory Speech to the Assembly.

GENT:

There was so little done by the Assembly of the last year, that what I laid before ym. I must recommend to your Consideration; If upon further views you may have further bills to offer, that may be for ye Interest & tranquillity of the People, I shall be ready to pass them into Laws, & I promise myself you will make a return suitable to their Circumstances, & ye advantages they will receive by them.

16th Octbr. 1716.

Reply to Certain Inquiries of the Assembly.

GENT.:

I laid your reasons of ye 17th Instant before ye Council, who, after much debate Declared themselves of your opinion to which I cannot agree, for the following reasons:

1. The Judges of the Supream Court, appointed for ye Tryal of the prisoners at Chester, were persons who could take and adminster oaths, & no objection was offer'd. me on acct. of the Inferiour officers or witnesses, & tho' I was of opinion I could not be safe in giving any qualification but an oath, yet by a Dedimus they might have been qualified as the law directs.

2. I Joyn with the Assembly in this Resolve, Provided the Laws are not repugnant to ye laws of England.

3. I allow the Laws of the Province had settled the Qualifications of the magistrates & other officers, untill ye publication of ye act of K. George Relating thereto.

4. This is answered in the former.

5. I differ from the Assembly in ye Case of Qualifications a Dedimus to qualify persons according to law,

will it's to be hoped keep me safe, & answer the ends of Govrmt. in that case.

6. The messengers said not one word to me relating to your order.

18th Octobr., 1716.

Refusal to Enter into a Conference with the Assembly.

GENT:

I am not surprized at the first paragraph of your message of yesterday, wch I thus answer wth the rest, to use the language of former Assemblies, & some of the Council, I am given to understand that you did not Design to make Laws nor raise money this Session, but upon terms inconsistent with my duty & safety to Comply with.

'Tis not to be wondered at that the Council should be of opinion with the Assembly, since of 4 of wch the Council consisted, 3 of them are of the people called Quakers, & the other, I suppose, durst not Dissent from them.

I cannot recede from my opinion relating to the act of the 1st of K. George, till I am otherwise directed from home.

I cannot agree to a Conference where I must be without a Lawyer, & under the disadvantage of six & twenty to one, for I assure you, Gent., In this affair I am Governed by my own reason, & If I had advisers I should not bring them to a Conference where 'tis probable they might see me treated with indignity thro' their sides.

Octobr. 19, 1716.

Introductory and, at the Same Time, Valedictory
Speech to the Assembly.

GENTLEMEN:

I am very glad of this opportunity of meeting the Representatives of ye People, that I may take my leave of them, for I am well assured I shall soon be superseded, for the little time that I am to be with you, I shall be ready to do the Countrey all the service I can.

I must therefore once more recommend to your consideration what I laid before the Assembly of last year, & what I have mentioned sometimes to you.

You may be now your own Carvers, and you will not think me unreasonable in my expectations when I tell you that as the first Assembly I mett with had a regard to the Charge of my Coming over, so you Gentn., who are to be the last, will, I hope in some measure, provide for my going back to seek another Imployment.

I intended to have said more on this subject to you, but the thought of what I have left, to serve Mr. Penn in this Province; The Disappointments I have mett with, & the uncertainty of being provided for at home, so fill my mind, That you will Excuse me that I say no more.

19th March, 1717.

Retraction of Accusations of Dissaffection upon the
Part of Certain Officers of the Province made During
a Period of Mental Disorder.

IT WAS TRUE THAT HE HAD TOLD THE GOVERNOUR his Thoughts of Some persons, but that whatever he had formerly Believed of them; yet seeing they had taken ye Oaths or Affirmacons prescribed by Law, he believed now he had been mistaken.

That His former accusations were the Effects of his passions, for that he had no matter of fact nor Expressions to Charge any of the persons accused with, nor Had any thing against any of them. That his Physician Knew he had been Lately under a great Indisposition of Body which had Disordered his Head, and he believed that what he had said of those matters to the Governour was owing to that only.

26th June, 1717.



W. Lenth

SIR WILLIAM KEITH.
Lieutenant Governor.
1717-1726.



Chapter IX.

SIR WILLIAM KEITH.

Lieutenant Governor,

1717-1726.

SIR WILLIAM KEITH, A SCOTCH BARONET, had been surveyor of customs for the southern Provinces and here and in other places had rendered notable service to the proprietary. He was familiar with provincial politics and acceptable to all parties. His appointment to the gubernatorial chair gave great satisfaction in all directions. By tactful and politic conduct he won the good opinions of the Assembly and for the first time in many years harmony prevailed between the executive and legislative branches of the Government. He even succeeded in extracting from that hitherto immovable body an act for the formation of a provincial militia. While, however, he remained on good terms with the Assembly, his relations with the Council gradually grew more strained until he finally determined to act independently of it, believing that the charter authorized such action. This involved him in a prolonged controversy with the Council and particularly with James Logan, its Secretary, and ultimately with the Proprietary by whom he was in consequence superseded after a service of nine years from May 1717 to July 1726.

Introductory Speech to the Assembly.

MR. SPEAKER AND GENTLEMEN OF THE AS-
sembly:

Being informed upon my arrival here that the season of Harvest then at hand could not well permit you to meet in your Representative capacity, until that bussie time was over, I did out of a tender Regard to your Interest then delay the satisfaction I still proposed to myself in meeting with this present Assembly, and I will always endeavour to make the time you must necessarily bestow on the publick service as easie & pleasant to yourselves, as I hope it will be profitable & satisfactory to the Country in general.

If an affectionate Desire to Oblige and Serve the People of this Province, Can Qualify me in their good Opinions for the Station wherin I am now plac'd, may then expect that the Countreys and the Governors Interrest will be so effectually established upon one bottom, as that he who truely wishes well to either, cannot but find himself engag'd to serve both.

And you yourselves may easily infer the Warmth of my Inclinations towards the service and prosperity of this Countrey.

First from the Expensive Application last year, by which I Carefully Introduced to his Royal Highness the Prince of Wales, then Regent the humbly Address of the Assembly of this Province to the King, in such manner as freely to Obtain his Royal Highness's most Gracious assurance; That the people called Quakers were a Body of Loyal subjects, for whom the King had a Great Regard; That his Highness was Sorry the King was not then present to have received so good an address himself, but that the Quakers might at all times depend on his Highness's Good will to Serve them in any thing they had to ask of the King his Royal Father.

Then the Diligence wherewith I obtain'd at a Considerable Charge the Commission of Governour, without any other Certain prospect or advantage, but only that I should be thereby enabl'd more Effectually to serve you.

And Lastly by the great fatigue I have under gone since my arrival here, that no Opportunity might be slipped to Encourage Virtue and promote the General good of your Countrey.

But these considerations are Trifles, compar'd with the indispensable Obligations that is of necessity upon you to Support the Dignity and Authority of this Government, by such an reasonable and discreet Establishment as the nature of the thing and your own Generosity will direct; And whatsoever You shall think fitt to do in that kind, pray let it not longer bear the Undeserved and Reproachfull name of a Burthen upon the People, but rather let your Governour be enabled to relieve the Countrey from real Burthens, By putting it in his power to direct a better Economy, and more frugal management of such Taxes as would answer the use for which they are intended, if not squander'd by the barefac'd partiality and unprofitable expence of the Officers appointed to Assess and Collect the same.

Gentlemen:

I doubt not but you will take this first Opportunity, under a new Administration, to Examine the state of your Laws, in order to revive some that are Obsolete or Expir'd, and to make such alterations and Additions as shall be found necessary for Perfecting the Constitution and good order of Government in this Province, for that End I am on my part ready to Concur with you in every thing which you can possibly desire or expect from a Governour, who Conscientiously Intends to Observe, and steadily resolves to pursue the Duty of his Office.

20th Augst. 1717.

Acknowledgement of the Courteous Reply of the Assembly to his Former Address and Acquiescence in Its Desire to Adjourn at an Early Day.

MR. SPEAKER AND GENTLEMEN OF THE AS-
sembly:

I Received a very affectionate address from your House for which I heartly thank you, and the Generous acknowledgement you have been pleased to make of my Late Endeavours to serve this Countrey,, Cannot but Greatly Encourage me Diligently to Carry on the same Publick service in all its parts, Your duti-
full Expressions of Loyalty and Affection to the King & Royal ffamily, shall be Carefully represented by me to his Majesty and his servants in the Ministry; and while the spirit of unanimity, and so amiable a Temper with Respect to Government is Continued and preserved amongst you, I will take upon me to say, that you may be ffirmlly assur'd of the Kings ffavourable Countenance and Gracious Condescention in all your applications to the Throne.

Gent.: Since you have Observed to me, that it will be Inconvenient for you to Enter upon any business now which may detain you from your urgent affairs at this time in the Country, I can't but Condescend that you make such an Adjournment as you think will best suite with the season of the year, for I shall still have a great Regard to the Opinion, as well as to the advantage and Ease of so good an Assembly.

24th Augst. 1717.

To the Council Concerning the Landing of Foreigners
without Leave or License.

THE GOVERNOUR OBSERV'D TO THE BOARD
that great numbers of foreigners from Germany, strangers to our Language & Constitutions, having lately been imported into this Province daily dispersed themselves immediately after Landing, without producing any Certificates, from whence they came or what they were; & as they seemed to have first Landed in Britain, & afterwards to have left it Without any License from the Government, or so much as their knowledge, so in the same manner they behaved here, without making the least application to himself or to any of the magistrates; That as this Practice might be of very dangerous Consequence, since by the same method any number of foreigners from any nation whatever, as well Enemys as friends, might throw themselves upon us; The Governour, therefore, thought it requisite that this matter should be Considered by the Board, & accordingly it was Considered, & 'tis Ordered thereupon, that all the masters of vessels who have lately imported any of these foreigners be summoned to appear at this Board, to Render an acct. of the number and Characters of their Passengers respectively from Britain; That all those who are already Landed be required by a Proclamation, to be issued for that purpose; to Repair within the space of one month to some Magistrate, particularly to the Recorder of this City, to take such Oaths appointed by Laws as are necessary to give assurances of their being well affected to his Majesty and his Government; But because some of these foreigners are said to be Menonists, who cannot for Conscience sake take any Oaths, that those persons be admitted upon their giving any Equivalent assurances in their own way and manner, & that the Naval Officer of this Port be required not to admit any

inward bound vessell to an Entry, until the master shall first give an exact List of all their passengers imported by them.

17th Sepbr., 1717.

To the Council Concerning the Form of Comisions for the Tryal of Certain Criminals.

THE GOVERNOUR ACQUAINTED THE BOARD, That for as much as there seemed to be a necessity upon him to Issue a Comission for the Tryal of Certain Crimipals now in Goal for murther, and that he is not satisfied with the presentiments and fforms heretofore used in this Province, vizt.: to Grant such Comissions in the Governours name, which the Governr. Conceives from the Kings Royal Prerogative, as it is ascertain'd to be understood in the sense of the Law, by the statute Hen. 8, Anno 27, Cap. 24, ought to be granted & Issue in the Kings name.

The Governour therefore desires that the Board will maturely Consider a matter of such Importance, and either Concur in Opinion with him to have Comissions of Oyer & Terminer or Goal Delivery, and all Comissions of the Peace for the future to be Issued in the Kings name and tested by the Governour, or otherways that they will so far agree upon such other certain form, to be used in Granting the said Comissions, as will save harmless and Justify the Governour in his proceeding therein; upon a Debate, and Observing that some members were absent, the farther Consideration of the matters proposed was delay'd to friday next, being ye 14th Instant, at nine in the morning precisely, and the Council was adjourned to that time accordingly.

11th ffebry., 1717.

Further to the Council Concerning the Form of Commissions for the Tryal of Certain Crimnals.

GENTLEMEN:

In your last Debates on this Subject, I think it was Generally agreed that such Commissions ought not to run in the Lieutenants Govrs. name, for that was said to be an alteration in the stile which some know how had crept in, without and Condescension, Warrant or authority from the Proprietor & Governour in Chief.

If therefore you continue in the same mind, it's plain that here is sufficient Occasion given for some alteration, So that all arguments in behalf of the Precedents Immediately before us, and for Continuing ye same fforms are to be laid aside, and as I conceive the Question will then come to this single point, vizt.: Whether these Commissions ought for the future to be Issued in the Kings name and tested by the Governour, or in the Proprietors name with the like Test.

I do not pretend so nicely to Judge of, nor to be so well acquainted with the Nature and Extent of the Proprietors Title to the Dominion of this Country, as several Gentlemen here present, from whose greater Experience and Knowledge therein we may doubtlss expect to be fully satisfy'd.

But I will pretend to have as true a Regard for the Proprietors honour & Just Interest, as any person whatsoever.

And at the same time I will frankly deliver my Opinion that the Commissions mentioned, ought to be Issued in the King's Name, and Tested by the Proprietor and Governour in Chief himself, or in his absence, by the Deputy Lieutenant Governour present; and my reasons for this Opinion are:

1st. That in any case where the King, (as in the Proprietor's Letters Patents,) Expressly reserves to him-

self and his successors the allegiance due from a subject to his sovereign; his Majesty cannot at the same time be understood to Grant away and transfer any Prerogative which is Essential to, and inseparable from the Sovereignty it self, and which the Common and Statute Laws of England do assert to be the Inherent and unalienable Rights of the King's Majesty.

2ndly. That whatsoever might have been the Practice at the beginning or Infancy of this Colony, Yet by the Course and administration of Governmt. now for several years past, it doth appear that neither the Proprietor nor any officer under him ever so much as claim'd or pretended to the Prerogative of Issuing any manner of Process in the Proprietor's Name, On the Contrary, Acts of Assembly have been pass'd, and are now in fforce to Command and Direct all Process to Issue by Writts in the King's name.

Wherefore I conceive that as the Judges' Commissions cannot possibly be derived or proceed from any lesser Authority; So neither Can two such different and distinct Personage as the King and his subjects, be made Use of to authorize and carry on the several Compounding parts of one and the same Process.

3dly. I have with attention perused this Copy of the Proprietors Letter Patents now in my hand, and do verily think that any person who has been but a little Conversant with the Law & Constitution of England, cannot possibly Interpret the Powers of constituting Judges, &c., thereby granted to the Proprietor any otherwise than that the Proprietor is by these Letters Patents authorized and Privileged to make use of his Majesty's name in the Issuing of Certain Commissions for the better Government of the Kings subjects in this Colony, to such person or persons here as the Proprietor or his Deputies shall think proper for that service.

4thly I cannot but understand the Priviledge Grant-

ed to the Proprietor by these Letters Patents of Issuing his Commissions in the Kings Name to such persons as he shall think fitt to be more honourable of greater authority, and I am sure, attended with more safety, as well as Entituled to greater protection, than if it had or could have been Granted, as some would now seem to understand it.

5thly. Should these Commissions be granted in any other than his Majesty's Name, I conceive that if it did not actually overturn, it would at least subject all our judicial proceedings in this Government to such Exceptions and Cavils as must render the Magistracy Contemptible if not blameable.

And Lastly, I have but too much reason to apprehend that such a measure would greatly endanger the Proprietors unquestionable Right to Chuse & appoint the officers of Government in this Province.

These, Gentlemen, are the reasons why at this time I think that the Commissions for Judges and Justices of the Peace ought to be Issued in his Majesty's name.

But as this matter is in itself altogether indifferent to me on any other Accot. than what is above mentioned, I am not only ready to hear your opinions, but also to follow any advice which you shall think proper and Consistent with my Duty to the King, the trust which I have received from the Proprietor, and the Reputation of an honest man.

14th feby., 1717.

Concerning Pirates and the Disposition of the Contents of a Captured Piratical Sloop.

GENTLEMEN:

The Great Losses that this Colony has already sustained beyond any of its Neighbors, by our Trade's being blocked up & Infested with Pirates at

the Capes of this River and Bay has given me much uneasiness, & racks my thoughts at this present time which way to Contrive some Expedient for Relief.

I have not been wanting fully to Represent our Circumstances in this Case unto the Kings ministers at home, & also with the greatest Civility I could, to Invite some of his majesties Ships of war appointed for the neighbouring station to take some notice of us but still without any success, and in the mean time the World must see & Judge, that not only we of this Province, but also the Colonies in the West Indies, who in this season of drowth among them depended upon Bread & provisions from us, & even the merchants of Great Britain themselves have been & are daily more & more likely to be Great Sufferers.

Upon an Informacon that one Teach, a noted Pirate, who has done the greatest mischief of any to this Place, has been Lurking for some days in & about this town, I have granted a Provincial warrant for his being apprehended, if possible to be found, & several other petty Informacons of Late gives me Cause to suspect that many of the Pirates that have lately Surrendered themselves, & obtained Certificates from this and the neighbouring Governments, do still keep a Correspondence with their old Companions abroad. To prevent the Evil Consequences, wherof I am of Opinion it will be Convenient on the Sixth day of the next month, When his Majesties act of Grace to the Pirates doth Expire, to publish a Proclamation here, Certifying a fresh the Encouragements which his Majesty has been pleased, by his Róyal Proclamation, to offer to such as shall seize & apprehend any of the Pirates so as that they may be brought to Justice, and also the rewards promised to such of themselves as shall bring in any of their Captains or Leaders, with a Clause Certifying also the penalties which the Law does Inflict upon such persons as shall presume to Lodge, harbour and Con-

deal any of these Robbers, whereby they will become accessory to their Crimes.

Those pirates who have abused his Majesties Royal mercy & goodness to them, by returning to their former wicked practices, most Certainly can have no claim to any Compassion or favour whatsoever. But on the other hand I must Look upon it as a duty incumbent on all the Kings Servants here to pursue his Majesties Royal Intention in protecting those who have humbly accepted the act of Grace, do Continue to behave themselves as peaceable & obedient subjects to the King and his Government, and as ffor those few men who lately brought in the Sloop *Nathanial & Charles*, & Delivered her into my hands, it was upon Examinacon before the Board Esteem'd to be a Service of that nature, which not only gave them a title to be protected but even Rewarded.

In Case of any further alarm or danger, I have Judged it necessary & proper to secure the arms & amunition Contained in the Inventory before you to be Employ'd in the defence of this Colony, and Do hereby therefore make myself accountable to the publick or to whomsoever shall hereafter produce a Legal demand upon me for the same.

But as to the Sloop, & what is contained in the other part of the Inventory they being of a Perishable nature, I Conceive it will be necessary to Direct that they be first appraised, & then sold at Publick Vendue to the highest bidder, that the Produce may be forthcoming & Secured, either to the Crown in whose possession it already is or to such who shall in any reasonable time make Good their title, & recover their right by judgment in Law.

It is my Desire that Whatsoever is thought fitt to be ordered in this matter may be done with your approbation, whereby the Particulars will remain upon the minutes of this board to justify the Candour & Equity

of all the Proceeding, and in the mean time I shall Transmit a faithfull account of the whole, one Duplicate to the Secretary of State, & another to the Lords Commissioners for Executing the office of Lord High Admiral of Great Britain, in order to Receive further direction from these powers herein.

11th Augst., 1718.

Introductory Speech to the Assembly.

MR. SPEAKER,

The modesty & Candour of your Deportment for many years in Publick Busieness has at this time, in the two most Eminent Stations, Justly determined the Choice, both of the City & County in General, & this flourishing City in particular upon you Sir.

And from this Good Beginning, I promise myself that by your Prudent Example & Conduct, they will at Last be perswaded heartily to Unite in all such matters as Plainly tend to the honour & advantage of this Province.

Gentlemen:

I know it is usual with you to adjourn for a short time at this season, so I shall not trouble you further now, but referr such matters as I have to lay before you, until you Can more Conveniently meet to set upon Busieness.

15th Octobr. 1718.

Announcement of the Death of William Penn.

GENTLEMEN:

The Important Occasion of your meeting at this Time is, that I may Communicate unto you, in the most Decent & Respectfull manner, the accounts which I have Just Received of our Late Lord proprietor & Governr. in Chief, the Great Mr. Penns Death.

The Exalter merit & Reputation, whereby this Gentlemen has been universally known & Distinguished for many Years, most Justly Restrains me from Presuming to touch so perfect a Peice as the General Character of that Great man.

But the Dutiful Regard to that Trust in my present Station which I once Received from him, as well as the Respect which is Justly Due to so many of his faithful servants Present, Obliges me in the midst of sorrow to Put you in mind of the Duty which we particularly Owe to the memory of a worthy & Good master. In short, as it was Mr. Penns generous Regard to mankind, & his Sublime humanity that first framed the Scheme, & then Laid the Solid foundation of this flourishing Colony.

So it is to his Indefatigable Care & Great Capacity in all manner of Public busieness, that We entirely Owe those Valuable Privileges which we now enjoy, & which the Good people of this Province may Justly Expect to be Regarded Especially by these Employ'd in the administration of Governmt. under the Late proprietor.

At this time therefore Gentlemen, I hope you will think I am in my Duty when I recomend it to you, so to Proceed in every Part of the Publick service as that our Sovreign Lord King George, his Supream & Rightfull authority may in the first Place be maintained Over all his Majesties Subjects within this Province.

Secondly. That the Respect & Gratitude, which is so

Justly Due to the Late worthy Proprietors family, may on all occasions be dutifully acknowledged & paid.

And Lastly, that our Behaviour toward Each Other may be such as in the Event will Clearly Demonstrate that we are Loyal subjects, faithful servants, & sincere friends.

3d Novembr. 1718.

Introductory Speech to the Assembly.

MR. SPEAKER & GENTLEMEN OF THE AS-
sembly.

The melancholy news of the Proprietors death Wou'd have Obliged me to have called you immediately together, had it not been the unanimous opinion of the Council, that my continuing the administration of the Government in all its parts was not only warranted but also directed by an act of Assembly, which had received the Royal sanction.

Nevertheless, when you have considered that minute of the Council which I have now Ordered to be Laid before you, I shall Likewise be glad to have the Sentiments of your House upon that Resolution, wherein I think it will be convenient that we all agree.

Gentlemen:

If it be granted as I think it must, that a Governour is a necessary agent, to be continually employ'd in the providing for the Protection, safety and Ease of all the people in the Government. It will then follow, That such a service in this Populous Place Cannot be duly performed without a considerable charge, & the whole Expense of ones time even with Diligent application.

And since you are the proper judges how far I have done my duty in these particulars, I take leave to put

you in mind, that the supplys which have been granted by fformer Assemblys for the Particular support of my ffamily are now actually exhausted, and the time for which they were supposed to be given is expired, ever since the month of October last.

I shall conclude with Recommending a friendly temper & unanimity to you in all your proceedings, & whatsoever else occurs to me of business shall be communicated to you by way of message.

16th Decr. 1718.

To the Council Concerning the New Commission and Instructions Received by the Governor from William Penn, 2d.

GENTLEMEN:

I here Lay before you a New Comission and Body of Instrucons which I have Just Received From the Honble Mr. Penn, as our Governour in Chiefe, whereby he is pleased to Constitute and appoint me his Lient. Govr. Genll. and Comander In Chiefe over the Pvince and Territories; and itt being Directed by the Instrucons, that his accession to the Dominion of this Country be made Known to the people. With your advice and assistance, in the most publick manner I must Desire your opinions and Concurrence therein.

And as there are severall at this Board who are Likewise members of the psent assembly, and therefore Know that I am under a pmise to Call that body Together, upon my Receipt of any Orders ffrom Britain Relating to this pvince: I would also know your sentiments, whether the assembly ought not to be Immediately Called by Writts of Sumons, In order to Join with me and this Board in Recognizing Mr. Penns Right & Title to the Government.

28th Apr. 1719.

To the Assembly Concerning the Validity of the Commission From William Penn, 2d and touching Certain Indian Troubles.

ACCORDING TO MY PMISE I HAVE CALLED you together, in order to acquaint you that I have Lately Recd. a Comission from the Honble Wm. Pen, Esqr., as our Govr. In Chief, with Instruecons to publish his accession to this Governmt. by advice of the Council. In the most solemn manner wch. sd. Comissn. and Instruecons, with the minute of Council thereupon, I have ordered to be Laid before you.

Since that I have seen the probate of the late Proprietors Last will and Testament, in the Hands of Mr. Secretary Logan, whereby the powers of Governmt. over This Province seem to be Devised in Trust after a Peculiar manner, and I am told these Differences are not Likely to be speedily adjusted.

Gentlemen:

My Duty to the Crown unquestionably obliges me, while in this stacon, at all times to use my utmost Deligance In preserving the good order and peace of the Govmnt., and to keep the Kings subjects of this Colony firm in their allegiance & Dutifull obedience to his most Excellent Majesty & our Sovreign Lord King George.

To the End therefore that this may be done with greatest Cheerfulness and unanimity, and Likewise that all Due Respect may be pd to Mr. Penn and E'ery other Branch of the Late Proprietors Family, I must Desire that you will assist me with your opinions and advice, wch I doubt not will have the Same weight with all the pties Concerned in Brittain, as you may be assured itt shall Ever have with me.

I have Recd. a Letter ffrom the Indian Chiefs at Conestogoe by a Letter to Mr. Secretary Logan, which informs us, that our Indian Hunters have been attacked

near the Head of Potowmack River, by a Considerable body of Southern Indians Come out to warr against the five Nacons, and the Indian Settlements on Susquehanna.

They have killed Severall of our People, and alarmed them all, so that the Carefull attencon and Vigilance of the Govrmt. was never more called upon them att this Juncture, and much will Depend upon your unanimous & Steady Resolucons to support the administration In all its parts.

28th Apr. 1719.

Introductory Speech to the Assembly.

MR. SPEAKER & GENTLEMEN OF THE AS-
sembly:

I must reflect on every occasion which I have had to meet the Assemblies of this Province with great satisfaction, and the present oppertunity cannot possibly leave a less agreeable Remembrance, since I have the Pleasure to present you with the Royal Assent to, and perpetual Confirmation of a Law which gives you the full Enjoyment of English Liberties, and therefore must doubtless be for ever valued by yourselves and your Posterity as an inestimable Freedom and Birth Right. I mean the act which I passed in May, 1718, for the Advancement of Justice and more certain Administration thereof.

This Success has been chiefly owing to the perfect Harmony and good correspondence that has hitherto subsisted between me and the Representatives of the People, A Circumstance which secures our Peace, and puts us above the Reach of Faction; for, so long as your Friends in this Government continue be mine my Enemies must unavoidably expect to be treated as yours. And while so guarded what have we to fear.

Gentlemen:

Knowing that it is not an usual season of the year for a long Session, I would not overcharge you with Business: Only I must in one point take Leave to recommend to you the Imitation of an English House of Commons, by voting at first the sums which you shall judge necessary to support the charge of Government for the current year and then with conveniency proceeding to the ways and means for raising that supply. This method not only give life and credit to the Administration, but will be of great use to me, both in the management of the publick and my own Private affairs, which equally depend on your Conduct and Good Will.

15th Octobr. 1719.

To the Council Concerning the Impeachment of Robert Assheton, a Member of the Council.

GENTLEMEN:

Having at this time some Orders from the Crown, and several other matters of Importance to lay before this Board, I am sorry to find myself under the ungrateful Necessity first to acquaint you, that this Board, as well as myself, have been so treacherously dealt with by a certain member of the Council, that I must be of the Opinion, neither the Interest of the Crown nor the Proprietary Rights can be prudently and effectually pursued while such Persons are admitted into our Councils; And that every one present may fully perceive both the Justice and Impartiality of this Charge, I have here drawn up in Writing some particulars, which if the Gentleman thinks fit to deny, I am nevertheless confident they will be fairly proved against him. However that we may proceed regularly, and with all the moderation possible in such a Case,

after the Accusation is read to you, and a Copy of it delivered to the Party; I am only to desire that He may be obliged to withdraw from attending the Council as a member of this Board, until by his Answer and a fair Hearing thereupon, He shall have Justified himself as to the Points wherewith he now stands charged.

Gentlemen:

If my easie Temper was not so generally known as I believe it is, yet the continued Acts of Favour wherewith I have distinguished that Gentleman and his whole family, ever since my Arrival here unto this day, will, I hope, sufficiently convince even himself as well as others, that nothing less than my possitive and indispensable Duty to the Crown, Joined to a faithful Discharge of that Trust which I hold with regard to the Propriety could have extorted any thing of this Nature from me.

An Impeachment or Charge delivered by the Governour to the Council, against Robert Assheton, Esqr., a member of that Board.

1. That in several Cases of great Importance to the Peace of this Colony, where matters relating yr unto have been debated fully and freely in Council, the said Robert Assheton, contrary to his oath as a member of that Board, has frequently divulged and retailed the Debates and opinions there had and delivered, and by vain Attempts of that kind to colour his own particular Sentiments in Opposition to what has been resolved upon by a majority of the Council, has endeavoured to create Jealousies and misunderstandings in the minds of many of the good People of this Province, against the Just Powers and legal Administration of the Government.

2. That the said Robert Assheton being filled with unprovoked and most unjustifiable malice, did, by his Letters dated the latter End of August or the Beginning of September last, directed to his Excellency Wm.

Penn, Esqr., and also by his Speeches delivered to the Bearer of those Letters, most falsely accuse and basely traduce the Governour and the majority of this Board. And the said Robert Asshetons Expressions upon that Occasion were these, or to this Effect, Vizt: "That He (the Bearer) must particularly acquaint Mr. Penn who were his Friends and who not; That surely he knew Governour Keith had not only refused to publish Mr. Penns Commission, but even had slighted it; That Governour Keiths Design was to out Mt. Pett and get the Government to himself; But that He (the said Assheton) was Mr. Penn stiff Friend, and had stick'd for him tho' to no Effect hitherto, because he had only one member of the Council to Join him; That tho' the Bearer was a Stranger to Mr. Penn, yet being heartily recommended to his Favour by these Letters, He might freely take an opportunity over a Bottle to assure Mr. Penn that these things were unquestionably true."

7th Novembr. 1719.

Letter to the Governor of New York concerning the
Attitude of Certain Indians.

Philadelphia, July 19th, 1720.

SIR,
Mr. Logan, Secretary of this Province, having about three weeks agoe held a Conference with our Indians, at Conestogoe, upon his Report thereof to the Council, It was thought proper that I should acquaint you, by Letter, of some things which seems to be of a general Concern, but more immediately affect the Tranquility of this as well as the Government under your Direction.

The obliging free manner with which you have been

pleased to honour me in our former Correspondence upon the same subject, encourages me now to chuse this familiar way of representing our Thoughts, rather than to trouble you with irksome Complaints and formal Memorial.

The prudent apprehensions which we ought to have of the extravagant Growth of the french Settlements upon the Back of these Colonies, and the Inconveniences which must follow from the Success of their Jesuits in debauching many of your five Indian Nations from the English to a french Interest, are very fully and clearly set forth in your Letter to me of the 20th of December last, and I am of opinion, that the Presents allowed by the Crown, and your diligent application in your frequent Treaties with the five Nations, have been of great Use to Prevent the Consequences which otherways might have been expected from the Artifices of such powerful Enemies and most indefatigable Rivals.

Nevertheless, we must not think ourselves absolutely secure by a constant Repetition of the same means, but rather keep a watchful Eye upon every new motion of so subtile an Adversary, And therefore I would humbly entreat you to recollect how that upon the former Peace with the french, the five Nations immediately desisted from going out to Warr against the Illenese, the Hurons, and other Indians in League with the French. So that their young men or Warriours were obliged to go a great way off towards the South West against Indians settled upon or near to the lower Branches of Misisippi, but of late They seem to have relinquished that Path, and notwithstanding of their many Engagements to the Contrary, to be found upon the minutes of your Treaties at Albany, yet their Course and Projects of War is now generally bent against the Indians who are in Amity with Virginia and Carolina.

If then, neither the authority of your Government, the Countenance of his Majestys regular fforces, nor the Weight of his royal Bounty and large presents can divert these unruly heathens (viz. the five Nations) from insulting the English Colonies and destroying their Allies. Can we suppose that any thing else but french Councils could have formed an artifice like this, to set all the Indians in ffriendship with the English at War with one another, in such a manner as cannot fail even to imbroil the English Colonies themselves? For the Southern Indians being at last provoked beyond measure, came out this Spring to meet the mighty Warriors of your five Nations, and pursued them with Slaughter almost as far as Patowmeck River, from whence they returned from the path they have practised for some years past to Sasquehannah and our Settlements there. So that it seems as if they intended to make us a Barrier by drawing their provok'd Enemies first upon us before they can come at them, which is the more likely to prove the Consequences of these proceedings, because tho' our Indians have repeatedly engaged to me that they would go no more out to War, yet as often as those of the five Nations come that way, they Constantly press some of our Indian young men to accompany in their Expedition, and when the others shew'd a Reluctancy from the obligations the lie under to the contrary, they hautily ask them to whom the belong, whether to them or to us? to which our People being awed by them, dare make no other Answer than that they belong to them, and thus they are forced away. Thus four of ours accompanied their last party, and two of the four were Killed, the Consequence of which I say must be, that whenever those Southern Indians think fit to proceed so far by following the path their Enemies have trode out to them, they will be first led to our Settlements and there probably the Mischief must begin. Our Indians dread to offend them, and

are cautious of even mentioning them but with Respect, unless it be at times of their almost freedom with us as their Friends.

As often as they come they are treated with the greatest Humanity, both by our Indians and Christians, and we rarely have had occasion to complain of their Deportment untill of late, and especially this last time, when without any provocation they shot divers of our People's Creatures for their Diversion only without touching them for food, and robbed one Paterson, a Trader's Store, before his Face, (as he complains) of some pounds value, without pretending to make any manner of Satisfaction; And last of all, as if they had firmly purposed openly to insult and affront this Government by any means whatsoever. Some of the Nation called Cayoogoes had the Boldness to assert, that all the Lands upon Sasquehannah River belonged to them, and that the English had no Right to settle there, intimating as if they (the Cayoogoes) speedily intended to come down with their People to Philadelphia, in order to demand Possession of those Lands: An insolent way of speaking, which I am told they have but lately assumed, since the Death of two of their ancient men who kept them in some awe, and ever shewed a faithful Regard to the English Interest.

Now Sir, Though we are under no apprehensions of their Committing an act which might terminate in their own Destruction, yet we thought it proper to advise you of their impertinent and foolish Conduct, that they may be reprimanded by your authority in such a manner as you shall see fit.

And that you may plainly see upon how groundless a Pretence it is that they want to quarrel with us, I beg leave to give you a short Informacon how matters stand between the five Nations and the Proprietor of this Colony.

When Governour Penn first settled this Country,

he made it his Chief Care to cultivate a strict Alliance and Friendship with all the Indians, and condescended so far as to purchase his Lands from them, but when he came to treat with the Indians settled upon the River Sasquehannah, finding that they accounted themselves a Branch of the Mingoos or five Nations, he prevailed with Colonel Dongan, then Governour of New York, to treat with those Nations in his behalf, and to purchase from them all their Claim of Right to the Lands on both sides of Sasquehannah, which Colonel Dongan did accordingly, and for a valuable consideration paid in Sterling money, Colonel Dongan, by good Deeds transferr'd or convey'd his said Right purchased from the five Nations to Governour Penn & his Heirs, in due Form of Law.

Upon Governour Penn's last arrival here, about twenty years agoe, he held a Treaty with the Mingoos or Conestogoe Indians settled on Sasquehannah, and their Chiefs, did then not only acknowledge the Sale of those Lands made to Colonel Dongan as above, but as much as in them lay did also renew and confirm the same to Governour Penn. Lastly, About nine or ten years agoe, a considerable Number of the five Nations, not less than fifty, (as it was judged by those present) came to Conestogoe, and meeting there with Colonel Gookin, late Governour of this Province, attended by several members of his Council, Colonel Dongan's Purchase was mentioned to them, and they not only appeared to be fully satisfied therewith, but proceeded in a formal manner, without any Hesitation, to confirm all our former Treaties of friendship with them.

From all which it is evident that neither the whole five Nations together, nor any one of them separately, have the least appearance of a just Right to any of these Lands they would now claim; So that if they do not think fit, either in their Answer to you from Albany, or by messenger of their own to Philadelphia, (not ex-

ceeding the usual Number of a peaceable Embassie,) to take some suitable Acknowledgments to this Government for the above mentioned insolent Expressions & Behaviour of the Cayoogoes We shall conclude that they have been strongly instigated thereto, and that it must proceed from Causes which tend to the prejudice of the British Interest in general, and therefore equally concern all his Majestys Subjects upon this Main.

But from the Influence with the Government of New York certainly has, or at least ought to have upon these five Nations, their good Allies, it is to be hoped they will listen to your friendly Advice before it be too late; And if their young men must go to War, let them only be perswaded to change the path and present Course of their Warlike Enterprizes, so as not to molest the English Settlements on this Continent or any of their Indian Friends. I am for my own part extremely anxious to preserve and continue the good understanding that has hitherto subsisted between this Colony and the five Nations, but as we never had nor desire to have any Intercourse with them by Trade, I am at a Loss how to represent my Thoughts to them any otherways than by the Favour and neighbourly assistance of your Government, which I earnestly beg leave you would please to interpose so far in our behalf upon this Occasion, as to procure some distinct Answer from their Sachims, relating to the above mentioned particulars of their People's Conduct amongst our Settlements.

Now Sir, I can make no other Apology for all this Trouble given to yourself, but that you shall ever find me ready on all Occasions to execute any Comands relating to your Service, being with a most faithful and sincere Respect.

Sir, your most humble & most obedt. Servt,

W. KEITH.

Letter to the Governor of Virginia concerning the
Attitude of Certain Indians.

TO HIS EXCELLENCY COLONEL SPOTSWOOD,
Governour of Virginia, &c.

The memorial of Wm. Keith, Governour of
Pensilvania.

Sir,

Having duly considered your Letter of the 6th of last March in Answer to my Express, wherein you are pleased to say, That the Tributary Indians of Virginia have given solemn assurances unto your Govmt., that they will not for the future pass Patowmeck River nor the high Ridge of Mountains extending along the Back of Virginia; Provided that the Indians to the Northward of Patowmeck and to the Westward of those mountains will observe the same limits, and that this is the proposition signified to the Pennsylvania Indians seated upon Sasquehannar River, by the two Belts then sent from the aforesaid Virginia Tributaries, which I received.

Hereupon I take leave to inform you Sir, that the same Ridge which you call the Virginia or Appalachy mountains, extends itself Northward throught the Province of Pennsylvania into the Government of New York, and that all our Indians upon the River Sasquehannah are settled to the Eastward of these mountains; Wherefore, the Condition you propose seems to be more applicable to the New York Indians, known by the name of the five Nations who live to the Westward of that Ridge, than it can be to ours who are seated amongst our own Settlements to the Eastward of it, and who seldom or never pass the River Patowmeck, unless it be when they go a hunting for Fishes towards the branches of the Wabash and Ohio, which they commonly do in the fall of the year, and do not return before the month of May following.

I would further represent to you Sir, that the Belts which I sent to you last August from the Susquehanna Indians, did not only mean to secure a perfect Peace and good understanding between them and the Virginia Tributaries but also between them and all or any other Indian Nations to the Southward, who are in amity with the Virginia Tributaries and hold a friendly correspondence with your Government, So that as often as you have an opportunity either of renewing former Treaties, or of making new ones with the Cattawbras, Cherrykoes or any other Southern nation, if you will please particularly to mention and include the Pennsylvania Indians upon Sasquehannah seated to the Eastward of the above Ridge of Mountains the Province of Pennsylvania will not only most greatly acknowledge the favour of your Countenance & Protection, but also will readily concur to bear a reasonable proportion of the Charge which you may be at in accomplishing such Treaties.

You very well know Sir, That Pensilvania which is three degrees in breadth and extends five degrees West of the River Delaware, must border upon his Matys Dominion of Virginia to the Westward of Maryland, and upon New York to the Northward of New Jersey. So that it is no less the interest of so small a Colony as Pensilvania, that it is unquestionably their duty to Cultivate a perfect friendship and constant agreement with two such powerful and rich neighbours, whose protection we are encouraged to hope for, not only as we are all dutiful and loyal subjects to the same most gracious Sovereign, but also as having the same end in view to maintain and promote as much as in us lies, the British Interest and his Majestys Dominion on this large Continent.

These Sentiments St, Joyn'd to a most perfect Regard and Esteem for your pson and character, have brought me at this time to wait upon you here, and if I may be so

happy to have my honest Intentions for his Majestys Service, well received and approved by your Excellency and the Honorable Gentlemen of his Majestys Council of this ancient Colony and Dominion.

I shall return to Pensilvania with inexpressible Satisfaction to myself, as well as a general contentment to the good People of that Province.

W. KEITH.

Williamsburg, April 22nd, 1721.

Speech to the Conestogoe Indians.

MY BROTHERS AND CHILDREN,

So soon as you sent me Word That your near Friends and Relations the Chiefs of the five Nations, were come to visit you, I made haste and am come up to see both you and them, and to assure all the Indians of the Continuance of my Love to them.

Your old Acquaintance and true Friend, the Great William Penn, was a wise man, and therefore he did not approve of Wars among the Indians whom he loved, because it wasted and destroyed their People, but always recommended Peace to the Indians as the surest way to make them rich and strong by increasing their Numbers.

Some of you can very well remember since William Penn and his Friends came first to settle amongst you in this Country; It is but a few years and like as yesterday to an old man, Nevertheless by following that Great Man's peaceable Councils this Government is now become wealthy and powerful in great Numbers of People, And tho' many of our Inhabitants are not accustomed to war and dislike the Practice of mens Killing one another, yet you cannot but know I am able to

bring several thousand into the Field well armed, to defend both your People and ours from being hurt by any Enemy that durst attempt to invade us; However, We do not forget what William Penn often told us, That the Experience of old age, which is true Wisdom, advises Peace, and I say to you, that the wisest man is also the bravest man, for he safely depends on his Wisdom, and there is no true Courage without it. I have so great a Love for you, my dear Brothers, who live under the Protection of this Government that I cannot suffer you to be hurt no more than I would my own children; I am but just now returned from Virginia, where I wearied myself in a long Journey both by Land and Water, only to make Peace for you my children, that you may safely hunt in the Woods without Danger from Virginia and them any Indian nations that are at Peace with that Government. But the Governor of Virginia expects that you will not hunt within the Great Mountains on the other side of Patowmeck River, being it is a small Tract of Land which he keeps for the Virginia Indians to hunt in, And He promises that his Indians shall not any more come on this side Patowmeck, or behind the Great Mountain this way to disturb your hunting; And this is the Condition I have made for you, which I expect you will firmly keep, and not break it on any Consideration whatsoever.

I desire that what I have now said to you may be interpreted to the Chiefs of the five Nations present, For as you are a part of them, There are in like manner one with us as you yourselves are, and therefore our Councils must agree and be made known to one another, For our Hearts should be open that we may perfectly see into one another's Breasts. And that your Friends may Speak to me freely, tell them I am willing to forget the mistakes which some of their young men were guilty of amongst our people; I hope They will grow wiser with age, any hearken to the grave counsels

of their old men whose Valour we esteem because they are wise; But the Rashness of their young men is altogether Folly.

6th July, 1721.

Speech to the Chiefs of the Five Nations.

MY FRIENDS AND BROTHERS:

It is a great satisfaction to me that I have this opportunity of speaking to the Valiant and wise five Nations of Indians, whom you tell me you are fully empowered to represent. I treat with you therefore as if all these Nations were here present, And you are to understand what I now say to be agreeable to the mind of our Great Monarch George the King of England, who bends his care to establish Peace amongst all the mighty nations of Europe, and unto whom all the People in these parts are as it were but like one Drop out of a Bucket, So that what is now transacted between us must be laid up as the words of the whole Body of your People and our People, to be kept in perpetual Remembrance. I am also glad to find that you remember what William Penn formerly said to you; He was a great and good man, his own People loved him; He loved the Indians, and they also loved him, He was as their Father, He would never suffer them to be wronged, Neither would he let his people enter upon any Lands untill he had first purchased them of the Indians; He was just, and therefore the Indians loved him.

Though he is now removed from us, yet his children and people following his Example will always take the same measures, So that his and our posterity will be as a long chain of which He was the first Link, and when one link ends another succeeds, and then another, being

all firmly bound together in one strong chain to endure forever.

He formerly knit the Chain of Friendship with you as the Chief of all the Indians in these parts, and lest this chain should grow rusty you now desire it may be scowred and made strong, to bind us as one People together; We do assure you it is and has always been bright on our side, and so we will ever keep it.

As to your complaint of our Traders, that they have treated some of your young men unkindly, I take that to be said only by way of Excuse for the Follies of your People, thereby endeavouring to perswade me that they were provoked to do what you very well know they did, But as I told your Indians two days ago, I am willing to pass by all those things. You may therefore be assured that our people shall not suffer any Injury to yours; or if I know that they do, they shall be severely punished for it, So you must in like manner strictly command your young men that they do not offer any Injury to ours; For when they pass through the utmost skirts of our Inhabitants, where there are no People yet settled but Traders, they should be more careful of them as having separated themselves from the Body of their Friends, purely to serve the Indians more commodiously with what they want.

Nevertheless if any little disorders should at any time hereafter arise, We will endeavour that it shall not break or weaken the Chain of Friendship between us; To which End if any of your People take offence, you must in that case apply to me or to our Chiefs; And when We have any cause to complain, We shall as you desire apply to your Chiefs by our friends the Conestogoe Indians, but on both sides we must labor to prevent every thing of this kind as much as we can.

You complain that our Traders come into the path of your young men going out to War, and thereby occasion Disorders amongst them, I will therefore my

Frd. and Brothers, speak very plainly to you on this Head.

Your young men come down Sasquehanna River and take their Road through our Indian towns and Settlements, and make a path between us and the People against whom they go out to War; Now you must know, that the Path this way leads them only to the Indians who are in alliance with the English, and first to those who are in a strict League of Friendship with the great Governour of Virginia, Just as these our Friends and Children who are settled amongst us are in League with me and our People.

You cannot herefore make War upon the Indians in League with Virginia without weakening the Chain with the English; For as We would not suffer these our Friends and Brothers of Conestogoe, and upon this River to be hurt by any person without considering it was done to ourselves; So the Governour of Virginia looks upon the Injuries done to his Indian Brothers and Friends as if they were done to himself; And you very well know that though you are five different Nations yet you are but one People, so that any wrong done to one Nation is received as an Injury done to you all.

In the same manner and much more so it is with the English, who are all united under one great King, who has more People in that one Town where he lives, than all the Indians in North America put together.

You are in a League with New York as your ancient Friends and nearest Neighbours, and you are in a League with us by Treaties often repeated, and by a Chain which you have now brightened. As therefore all the English are but one People you are actually in League with all the English Governments, and must equally preserve the Peace with all as with one Government.

You pleased me very much when you told me that you were going to treat with the Govr. of Virginia.

Your Nations formerly entered into a very firm League with that Govmt., and if you have suffered that Chain to grow rusty it is time to scour it, And the five Nations have done very wisely to send you there for that purpose.

I do assure you, the Governour of Virginia is a great and good Man; He loves the Indians as his Children and so protects and defends them, for he is very strong, having many thousand Christian Warriors under his Command, whereby he is able to assist all those who are in any League of Friendship with him. Hasten therefore, my Friends, to brighten and strengthen the Chain with that great Man, for he desires it, and will receive you kindly. He is my great and good Friend, I have been lately with him, And since you say you are Strangers, I will give you a Letter to him to inform him of what we have done, and of the good Design of your Visit to him and to his Country.

My Friends and Brothers: I told you two Days agoe that We must open our Breasts to each other, I shall therefore, like your true Friend, open mine yet further to you for your Good.

You see that the English, from a very small People at first in these parts, are by Peace amongst themselves become a very great People amongst you, far exceeding the Number of all the Indians that we know of.

But while We are at Peace the Indians continue to make War upon one another, and destroy each other, as if they intended that none of their People should be left alive, by which means you are from a great People become very small, and yet you will go on to destroy your selves.

The Indians of the South, tho' they speak a different Language, yet they are the same People and inhabit the same Land with those of the North, We therefore cannot but wonder how you that are a wise people should take Delight in putting an end to your Race. The

English being your true Friends labour to prevent this. We would have you strong as a part of our selves, For as our Strength is your Strength so we would have yours to be as our own.

I have persuaded all my Brethren in these parts to consider what is for their Good, and not to go out any more to War, but your young men as they come this way endeavour to force them, and because they incline to follow the Counsels of Peace and the Advice of their true Friends, your People use them ill and often prevail with them to go out to their own destruction. Thus it was that this Town of Conestogoe lost their good King not long agoe, and thus many have been lost, Their young children are left without Parents, their Wives without Husbands, the old men contrary to the Course of Nature mourn the Death of their young, the People Decay and grow weak, We loose our dear friends and are afflicted, and this is chiefly owing to your young men.

Surely you cannot propose to get either Riches or Possessions by going thus out to War; For when you kill a Deer you have the Flesh to eat and the skin to sell, but when you return from War you bring nothing home but the Scalps of a dead man who perhaps was Husband to a kind wife, And Father to tender children who never wronged you, tho' by loosing him you have robbed them of his Help and Protection, and at the same time get nothing by it.

If I were not your true Friend I would not take the Trouble of saying all these things to you, which I desire may be fully related to all your People when you return home, that they may consider in time what is for their own Good; And after this if any will be so madly deaf and blind as neither to hear nor see the Danger before them, but will still go out to destroy and be destroyed for nothing, I must desire that such foolish young men will take another path and not pass this way amongst our People, whose Eyes I have opened, and they have

wisely hearkened to my Advice. So that I must tell you plainly, as I am their best Friend, and this Govern- is their Protector and as a Father to them. We will not suffer them any more to go out as they have done to their Destruction. I say again, We will not suffer it for we have the Counsel of Wisdom amongst us and know what is for their Good, For tho' they are weak yet they are our Brethren, We will therefore take care of them that they be not misled with ill Council; you mourn when you lose a Brother, we mourn when any of them are lost, to prevent which They shall not be suffered to go out as they have done to be destroyed by war.

My Good Friends & Brothers: I give you the same Counsel and earnestly desire that you will follow it, since it will make you a happy people, I give you this advice because I am your true Friend, but I much fear you hearken to others who never were nor never will be your Friends. You know very well that the French have been your Enemies from the Beginning, and tho' they made Peace with you about two and twenty years agoe, yet by subtle Practices they still endeavor to ensnare you. They use Arts and Tricks and tell you Lies to deceive you, and if you would make use of your own Eyes and not be deluded by their Jesuits and Interpreters; you would see this yourselves, For you know They have had no Goods of any Value these several years past, except what has been sent to them from the English of New York, and that is now all over. They give fair Speeches instead of real services, and as for many years they attempted to destroy you in War, so they now endeavour to do it in Peace; For when they Perswade you to go out to war against others, it is only that you may be destroyed yourselves which we as your true Friends labour to prevent, because we would have your Numbers increased that you may grow strong, and that we may be all strengthened in friendship and Peace together.

As to what you have said of Trade, I suppose the great Distance at which you live from us has prevented all commerce between us and your People; We believe, Those who go into the Woods and spend all their time upon it endeavour to make the best Bargains they can for themselves; So on your part you must take care to make the best Bargain you can with them, but we hope our Traders do not exact, for We think that a Stroud Coat or a pound of powder is now sold for no more Buck Skins than formerly; Beaver indeed is not of late so much used in Europe and therefore does not give so good a price, and We deal but very little in that Commodity. But Deer Skins sell very well amongst us, and I shall always take care that the Indians be not wronged, but except other measures be taken to regulate the Indian Trade every where, the common methods used in Trade will still be followed, and every man must take care of himself, for thus I must do myself, when I buy any thing from our own People, if I do not give them their price they will keep it for we are a free People. But if you have any further Proposals to make about these affairs I am willing to hear and consider them, for'tis my Desire that the Trade be well regulated to your Content.

I am sensible Rum is very hurtful to the Indians; we have made Laws that none should be carried amongst them, or if any were, that it should be staved and thrown upon the Ground, and the Indians have been to destroy all the Rum that comes in their way, But they will not do it, they will have Rum, and when we refuse it they will travel to the neighboring provinces and fetch it; Their own Women go to purchase it, and then sell it amongst their own People at excessive rates. I would gladly make any Laws to prevent this that could be effectual, but the Country is so wide, the woods are so dark and private, and so far out of my sight, that if the Indians themselves do not prohibit

their own People there is no other way to prevent it; For my part, I shall readily Joyn in any measures that can be proposed for so good a purpose.

I have now, my Friends & Brothers, said all that I think can be of any service at this time, and I give you these things here laid before you to confirm my words, viz: five Stroud Coats, twenty pound of powder, and forty pound of Lead for each of the five Nations; that is, twenty-five Coats, One Hundred Weight of Powder and two Hundred of Lead in the whole, which I desire may be delivered to them, with these my words in my Name and on behalf of this province.

I shall be glad frequently to see some of your chief ment sent in the name of all the rest, but desire you will be so kind as to come to us to Philadelphia to Visit our Families and Children born there, where we can provide better for you and make you more welcome, for People always receive their Friends best at their own Houses. I heartily wish you well on your Journey and good success in it, And when you return home I desire you will give my very kind love and the Love of all our People to your Kings and to all their People.

Then the Governour rose up from his Chair, and when he had called Ghesont the Speaker to him, He took a Coronation Medal of the Kings out of his pocket, and presented it to the Indian in these words.

That our children when we are dead may not forget these things, but keep this Treaty between us in perpetual remembrance. I here deliver to you a Picture in Gold, bearing the Image of my great Master the King of all the English; And when you return home I Charge you to deliver this piece into the hands of the first man or greatest Chief of all the five Nations, whom you call Kannygoodk, to be laid up and kept as a Token to our children children, that an entire and lasting Friendship is now established for ever between the English in this Country and the great five Nations.

8th July, 1721.

Introductory Speech to the Assembly.

MR. SPEAKER & GENTLEMEN OF THE AS-
sembly:

I have had such good Success with former Assemblies, and I meet with such hearty Wellcome and kind Entertainment wheresoever I happen to go in the Country, that I think I may surely depend on the Love and affections of the People whom you represent, and consequently on your Esteem; I cannot therefore, but understand the Change which I perceive the Country has made this year of their former Representatives, to proceed chiefly from the just opinion they have conceivd of my harty Inclinations to grant thm any thing in my power which can contribute to their further Ease & Happiness, wherein I do assure you They shall not be disappointed. But I hope those will, (if there be any such,) who vainly imagine or expect, that this Change was intended to straiten the Governour with unreasonable Demands and a narrow Support.

It is obvious to every honest and well meaning man, That the Duties and obligations between any People and their Governour are reciprocal, and wholly consist in doing such offices to one another as proceed from a natural Goodness or Humanity; Which, tho' it comprehends all the Moral Law, yet is easily to be applied and practised in any Case, by every man that does not oppose and struggle with the Dictates of his own Conscience. This is that Simplicity or Rectitude of mind which is so frequently opposed in Scripture to the Wisdom of this World; And as it is the poor man's greatest Ornament, So We may observe, it generally attends those who have no other Ambition but quietly to possess and enjoy the Fruit of honest Industry & Labour.

Gentlemen:

I cannot doubt but my daily Endeavours to secure to you a quiet and orderly Administration of Justice at Home, as well as to promote the Credit and Reputation of this Colony Abroad, must be very acceptable to the People in general; And if it be so, I hope you will have some Regard to the extraordinary Charge and Expence of my last years Services, for which I am left to depend entirely on your Justice and Gratitude.

Most certainly, the Governour's true Interest and the Honour & Reputation of an Assembly will always be found inseperable; And it is to be hoped that your unanimous Resolution at the Opening of this Session will demonstrate them to be so, because this will render you at once easie amongst your selves and effectually stop the mouths of Gainsayers.

I shall conclude with assuring you of my Readiness not only to concur, but to assist you in every thing that can be proposed for the publick Good, And your House may depend on my authority to support them in all their just Rights and Privileges.

16th Octobr. 1721.

To the Council Concerning the Appointment of Henry Brooke, a Member of the Church of England.

THE GOVERNOUR ACQUAINTED THE BOARD, That as they were all sensible He had, with their Advice and Approbation, in pursuance (as He had understood) of the late Proprietor's Inclinations when here, ever since his Administration, observed some kind of an Equality or Proportion in his appointment of the subordinate officers of Govmt., between those who profess themselves Members of the Church

of England and the People called Quakers; He had no reason to doubt but the Board was well satisfied the same method should be observed in the Council.

That some Church men, members of this Board, residing for the most part in the Country, and others of the same perswasion being frequently absent upon their private affairs, insomuch that it still continues difficult to get a Council together upon any occasion without a long previous Notice. He had some time ago made mention to most of the members now present of Henry Brooke, Esqr., Collector of his Majestys Customs at Port Lewis, within this Government, and of late a useful magistrate in the County of Sussex, as a fit person to supply the place of Jasper Yeates, Esq., a member of this Board, lately deceased; To which the Governour was more particularly induced from this Consideration, that it has been usual, and is still expected by the Inhabitants of the lower Counties, that there should always be at least two members in the Council from those Counties; Wherefore, He now proposes that with the Consent of this Board, the said Henry Brooke should be admitted a member thereof.

All the Members present being sensible of Mr. Brooke's great Knowledge, Ability and Worth, unanimously agree that He be admitted accordingly as soon as the Governour thinks fit.

23d Novembr. 1721.

To the Council Concerning a Certain Council with the
Conestogoe Indians.

GENTLEMEN OF THE COUNCIL:

Upon some Information I lately received, that the Indians were like to be disturbed by the Secret and Underhand Practices of Persons, both from Mary Land and this Place, who under the Pretence of finding

a Copper Mine, were about to Survey and to take up Lands on the other side of the River Sasquehannah, contrary to a former Order of this Government; I not only sent up a Special Messenger with a Writ under the Lesser Seal to prevent them, but took this Occasion to go towards the Upper parts of Chester County myself, in order to Locate a small quantity of Land unto which I had purchased an original Proprietary Right; And understanding further upon the Road, that some Persons were actually come with a Mary Land Right to Survey Lands upon Sasquehannah, fifteen miles above Conestogoe, I pursued my course directly thither, and happily arrived but a very few hours in time to prevent the Execution of their Design.

Having the Surveyor General of this Province along with me in Company, after a little Consideration, I ordered him to Locate and survey some part of the Right I possessed, viz: only five hundred acres upon that Spot on the other Side Sasquehannah, which was like to prove a Bone of Contention, and breed so much mischief, and he did so accordingly upon the fourth & 5th days of this Instant April, after which I returned to Conestogoe, in order to discourse with the Indians upon what happened; But in my way thither I was very much surprized with a certain account that the young men of Conestogoe had made a famous Warr Dance the night before, and that they were all going out to War immediately; Hereupon, I appointed a Council to be held with the Indians next morning in Civilities Cabin, and these are the minutes which I carefully took myself of all that pass'd between me and the Indians.

16th April, 1722.

To the Assembly Concerning Indians Affairs and the Compensation of the Justices of the Supreme Court.

MR. SPEAKER & GENTLEMEN OF THE AS-
sembly:

After I had received the answer of the Five Nations to our Message from Conestogoe, I did with a due Regard to the publick Justice of this Government, & to what you had recommended to me from your House, give the necessary & proper orders by advice of the Council for committing & prosecuting John & Edmund Cartlidge according to the common Course of the Laws. But still I find that all our just expectations in the Issue of that affair, as well as in accommodating matters with the Indians to Content, are in danger of being frustrated if some Provision is not forthwith made by the Assembly for defraying the Charge & Expence that must necessarily attend the putting our Deliberations & Resolutions in Council into Practice.

I must therefore desire that you House will now take the following particulars into your Consideration, & to acquaint me with your Resolutions thereupon as soon as may be.

1. That before the Govr. can promise to meet the Sachims of the Five Nations at Albany this Summer, as it seems they expect, It is necessary that the Assembly come to a Resolution to support the Charge of that Journey, and of the Presents that must be there made to the Indians upon renewing all our former Treaties of Friendship with them.

2. That the House will please immediately to issue an order upon the Provincial Treasurer, to pay in Course what the Governour & Council thinks proper to be given to the Indians at their Departure, and to confirm what the Governour has now to say to the Sachims of the Five Nations by the Return of the same Messenger.

3. That good & creditable men may be readily prevailed with to accept of the Vacancies which are now in the Commission of the Supreme Court, the Assembly will please to declare, whether they will make any allowance by way of Salary to the other Judges as well as to the Chief Justice, & how much may be expected for that service.

9th May, 1722.

Message to the Chiefs of the Five Nations.

TELL MY GREAT BROTHER & GOOD FRIEND, Saccumcheuta, and the other Chiefs of the Five Nations, That we have with great pleasure received the Return of our faithful messenger Satcheechoe, and we joyfully accept the four Belts & Strings of Wampum which they sent to us by him. I am glad to find that the Brethren have open & clear hearts filled with Love & affection to their friends here. My heart was indeed filled with sorrow for the Loss of our Brother who is dead, yet since my great friend Sacauncheuta & the rest of the Brethren desire us to wipe away our tears, we will dry them, but our Grief still remains. Our Message from Conestogoe, was only sent to Express our sorrow, & not to offer any satisfaction for our Brothers death. We have already taken & shall continue to pursue the same measures with the offenders as if an Englishman had lost his Life, but they must be judged by the Laws of our Great King, which makes a difference between the case of a man Killed in a Quarrel through heat of Blood, and when the Design is form'd in the mind before hand to destroy or kill a man.

I would rejoice to see any of the Chiefs of the Five Nations here, and I would treat them like Brothers &

true friends whom I loved. But I do not find in the written words of the Message sent from Conestogoe, by Sacheechoe, which my two Counsellors put down & brought back to us, that we desired any of the Chiefs of the great Five Nations to come to us just now. But when I have done what the Laws of our great King directs to be done, for punishing those who have caused us this Grief, then I shall be glad to see any great men that the Brethren will please to send either to Conestogoe or this place, and then every Link of that Strong Chain between us shall be made as bright & clear as the Sun.

I would go with pleasure a great way to see my great friend Sacaunchenta & the Brethren at their own habitations. But I cannot travel unless it be upon a Horse or in a Ship, and I am just now very busie with my Assembly making Laws to hinder the Christians from carrying Rum out in the Woods to hurt the Indians, that we may prevent any more occasions of bringing grief into our hearts.

The Brethren know very well, that the Governour of Virginia has promised either to come himself or to send Ambassadors to meet them at Albany this Summer; if therefore, my great & good friendt he Governr. of New York will please to go to Albany at the same time, I shall be glad to go along with him, that I may eat, drink, & discourse with all the Brethren & open our Breasts to one another.

I hope my great friends, the Sachims of the Five Nations, received all the words of Peace & Friendship which I spoke to their Ambassadors at Conestogoe last Summer, and also the picture in Gold of the great King George my master, which I then sent to my great friend Kennygouhaa, as a token of the firm & lasting friendship then established between us and the five Nations. I rejoiced to hear that the Ambassadors had also renewed & brightened the Chain with the English in

Virginia. But I was very sorry & shed tears, when they told me that Ghesaont was dead, for I loved him as a Brother that had a brave & true heart. But I know the Brethren have many great & good men remaining still amongst them, and whensoever they please to consult with me, I will not only write & send messengers, but also go myself and labour to make peace for them, with any Nation or People who either are at War with them or threaten to disturb them.

I hear that our Brother who is dead was a near Kinsman to my great friend Sacauncheuta, I therefore send him a mourning Ring off my own finger, to be put upon his finger, to signify that I will always have the same Regard for his Kindred as if they were my own Kindred, for after this manner it is that we remember the Death of our nearest Relations and friends amongst the English.

Brother Satcheechoe,

Tell the Great Five Nations, that as I am now in the place of the Great William Penn, their old friend and Governour of this Country under the Great King of England, I and all the English here under my Government are with open and true hearts, faithful friends to the Five Nations, and so long as they keep their Leagues & Treaties with the English Governments, they may be assured & depend upon it that their friends shall be our friends, & so we shall remain as one People together by a Chain that can never be broken.

To confirm these words, The Governour has instead of Belts sent to the Sachims of the Five Nations the following things, viz:

Five of the finest Calico Shirts,
Five pair of fine Silk Stockings,
five pair of Silk Garters, and
five Silk Handkerchiefs.

11th May, 1722.

Speech to the Representatives of the Conestogoe Indians.

FRIENDS & BROTHERS OF CONESTOGOE:

It makes our hearts glad to see how carefull & diligent you are to brighten the Chain & make it strong between us and your Kinsmen, our good Allies the Five Nations.

We know the Five Nations to be a Wise People but they live a great way off, and many words that we send to them & they send to us may be lost by the way & never told, because the English Interpreters do not understand the Indian Language so well as you. When at any time, therefore, you do not so clearly understand what we say for want of a good interpreter, you must look upon our faces and observe our actions, for by that you will know our hearts and we shall do the same by you.

Friends & Brothers of Conestogoe,

You are the same flesh and blood with us, and we are all men, sometimes wise & sometimes weak. You Honr. and Esteem a wise man amongst you, and so do we. But if any of our people committ a wicked & foolish action our Laws will punish him for it, and he cannot escape or buy it off, with any Ransom. Our Laws are all written down, and it is the will of our Great King that We obey them exactly even against our nearest Relation or Friend that does wickedly, otherways we shall be punished ourselves.

The chief Laws amongst the English is, That when any man, let him be never so great, has done an injury to another man, let him be never so poor, We judge him after the same manner, and inflict the same punishment upon the guilty Person as if he had done the Injury to the greatest man amongst us.

It is true, We delayed some time untill we heard from

our good Friends the Five Nations. But now you see with your own eyes, That those men who are suspected to have kill'd your Kinsman and our Brother, must be tryed & judged by our Laws in the same manner as if they kill'd an Englishman; And this is the will of our great King, who loves the Indians so much, That he Commands all his People to do the same Justice to them, and have the same Regard for them as he constantly does, & shews to his own people on the other side of the great Lake. Whatsoever therefore you hear is done with these men, John & Edmond Cartlidge, do not think that it is done by us as we please, or that we can act after another manner to please any body, for it must be done by force of the Laws of our Great King that are written down, and we cannot alter or disobey them in the least point.

We have heard that it is a Custom amongst you, when an Indian happens to be Killed, that his Relations often demand & expect Money or Goods for satisfaction. But the Laws of our Great King will not suffer any such thing to be done amongst us. We first examine all persons that can tell us the Truth, and if we find that any man who has killed another had thought upon it in his mind, and was resolved to committ that wicked deed, such a man by our Laws must die. But if we understand that the man who was killed had provoked the other by doing any act whereby he intended to hurt him, so that he suddenly killed the man in his Passion without having time to consider or think upon it. Our Law will not put such a man to Death the first time he commits that fault, But if he does so a second time by killing another man after the same manner, then he will be put to Death by the Laws of our Great King, which Laws must be strictly kept and obeyed without making any difference or distinction between the greatest and poorest man amongst us. I say all these things to you that you may lay them up in your

hearts, and tell them to your People & your Children, and then they will know us to be just and good men, and that we love them as our own flesh and Blood.

11th May, 1722.

Letters Referring to the Reinstatement of Robert Assheton as a Member of the Council.

SIR WILLIAM KEITH, BART., GOVERNOUR OF
the Province of Pensilvania, &c.

To Robert Assheton, Esqr., Recorder of the
City of Philadelphia.

Sir,

There being no person here that I know of, who is vested with any sufficient or Authentick Powers to take charge of the Proprietors Interest & Estate in this Province, and I being desirous to have the Vacancies at the Council Board filled up with such as are related to the Proprietors Family, in order to give me their best advice on all occasions where that Interest happens to be concerned. I have therefore thought fit to desire you will, upon Receipt hereof, give your Attendance at the Council Board in your usual place. And to that End I do hereby Annul and make void all former orders that have been made for suspending you from the service unto which you are now called.

Letter to William Assheton, notifying him of his Appointment as a Member of the Council.

SIR WILLIAM KEITH, BART., GOVERNOUR OF
the Province of Pensilvania, &c.

To William Assheton, Esqr., Judge of his Majesties Court of Vice Admiralty for the said Province.

Sir,

The great Trust you have in Charge from the Crown as Judge of His Majties Court of Vice Admiralty in this Province, your near Relation to the Honble Proprietors Family, and the Observations which I have made of your merit and skill in the Knowledge of the Laws, do sufficiently recommend you to me as a very fit person to Assist me in the Council of this Province, I do therefore hereby Nominate and Appoint you, the said William Assheton, Esqr., to be a member of the Council from this date. And you are required to give your attendance, in order to be qualified and take your place at the Board accordingly.

Give under my hand & the Lesser Seal of the sd. Province at Philadelphia, the 18thd ay of May, Anno Dom., 1722.

W. KEITH.

Speech to the Assembly.

MR. SPEAKER & GENTLEMEN OF THE AS-
sembly:

When we reflect upon the accidents & Difficulties that have occur'd to us during this Assembly, and the Candid friendly Intercourse & manner by which they have been at last happily composed. We must perceive & be convinced, That not only the Form of Civil Government, but even Justice itself cannot be upheld & duely Administred, without such a Share of humanity & Condescencion as is necessary to beget a sincere confidence between Me & the Representatives of the People.

Every just & good man, before he undertakes any office in Government, ought well to consider the End & Design of that Trust wherein he is to be employed,

which He will constantly prefer to all other views or appendent Advantages whatsoever. It being therefore the Purport & Natural Tendency of all Civil Government To Promote the Prosperity and Secure the Peace and Happiness of the Governed, And we being convinced by Right Reason as well as instructed from Experience, That there is not any better means can be proposed for attaining this End, Than by adhering steadily to the Execution of that Body of Admirable Laws, which have been composed & so carefully transmitted to the Brave & free People of England, by the Wisdom of their Ancestors it follows. And so I hope we shall ever Conclude, That the safest & most satisfactory way to promote & secure the Peace & Happiness of the Good People of Pensilvania, will be to administer Impartial Justice in all cases whatsoever, according to the known and Established Laws of the Land; And as this will be our best and surest Defence against the outrages of the Wicked, so this excellent plain Rule, will one time or other most certainly bring to Light and overcome the hidden dark Projects & mistaken wisdom of ill designing men, if there be any such amongst us.

Gentlemen: I heartily thank you for the support you have given me this year, and while I am Conscious to myself that I have in all things relating to the Duty of my present Station Faithfully served the King, and at the same time have omitted no opportunity to maintain, Establish and Transmit to Posterity the Just Liberties and Privileges of the Free People whom you represent, I shall never doubt their Cheerful Inclinations and hearty good will to grant me from time to time an Honble and Reasonable Support.

22d May, 1722.

Letter from the Governor at Conestogoe to the Council at Philadelphia.

GENTLEMEN:

Finding the Indians, since I came last here, to be very much alarm'd with the noise of an intended Survey from Mary Land, upon the Banks of Sasquehannah, I held a Council with them at Conestogoe, upon Friday & Saturday last, wherein I proposed to them to Cause a large Tract of Land to be surveyed on the Side of that River for the Proprietor, to begin from the Upper Line of my New Settlement six miles back, & extending downwards upon the River as far as over against the mouth of Conestogoe Creek.

They were all exceedingly pleased with this Proposition, and pressed to have it immediately done, which I fully designed as soon as got home with the Assistance of your Advice, & accordingly I set out yesterday morning to Return to Philadelphia by way of New Castle, and after I had rode twenty miles to a place called the long Marsh, I received the inclosed Letter by Express, that inform'd me the Mary Landers were to set out for Sasquehanna this day. Upon consulting with Colo. French, who has been with me all along, I returned immediately to this place, with a Resolution to go over Sasquehannah & see the above Survey made and run out directly, and I purpose to begin it to morrow morning, and to cause a Return thereof to be made to the Governour & Council. In the mean time, I have directed a Company of the Militia from New Castle to march to Ouchteraroe, where they are to wait for my further orders. And because the Magistracy every where are at a loss what measures to follow in Cases of this nature, for want of being instructed, how far their Powers and Authorities may Reach. I am fully determined with your advice to take this opportunity of running the old Auchteraroe Line as far West as the

Branches of Patowmack, for according to my present view of their proceedings in Mary Land, I cannot think of any other effectual method for preserving the Peace. I will, however, wait for your Sentiments in a matter of such importance, & I desire your Answer with all speed to be sent to me if you think fit by some of your own number.

There being no bread Corn to be had in these parts, I desire you will concur with me in directing the Provincial Treasurer to hire a Waggon, & Send up directly 1000 wt. of Bread, 3 Bushels of Salt, & 40 Gallons of the best Rum, with Sugar proportionable.

I remain, Gentlemen,

Your very humble servant,

W. KEITH.

From Francis Worley's, near Conestogoe, June 18th, 1722.

P. S. As soon as I receive your Answer I purpose to send an Express to the Govrnor of Mary Land.

Speech to the Chiefs of the Conestogoe, Shawanese, and Ganaway Indians.

FRRIENDS & BROTHERS:

The Belts which I lately received from the five Nations signify, that they are one People with the English, and our very kind neighbours & friends. They invite me to come to them, and I purpose in a short time to go & meet them at Albany, and make the Chain between us as bright as the Sun. When they see me they will remember their great Friend Wm. Penn, and then our hearts will be filled with love and our Councils with peace.

Friends & Brothers:

You may say you love me because I came from your father, Wm. Penn, to follow his peaceable ways, and to fulfill all his kind promises to the Indians, you call me Wm. Penn, and I am very proud of the name you give me; But if we have a true love for the memory of Wm. Penn, We must now shew it to his Family & to his Children that are grown up to be men in England, and will soon come over to represent him here. Last time I was with you at Conestogoe, you shewed me a parchment which you had received from Wm. Penn, containing many articles of Friendship between him & you and between his Children & your Children; You then told me He desired you to remember it well for three Generations, but I hope you and your Children will never forget it. That Parchment fully declared your Consent to Wm. Penns purchase & Right to the Lands on both sides Sasquehanna; But I find both you & we are like to be disturbed by idle People from Mary Land, and also by others who have presumed to Survey Lands on the Banks of Sasquehanna, without any Powers from Wm. Penn or his children to whom they belong, and without so much as asking your Consent.

I am therefore now come to hold a Council & consult with you how to prevent such unjust practices for the future, And hereby we will shew our Love & Respect for the Great Wm. Penn's children who inherit their fathers Estate in this Country, and have a just right to the hearty Love & friendship of all the Indians promised to them in many Treaties. I have fully considered this thing, and if you approve my thoughts, I will immediately cause to take up a large Tract of Land on the other side of Sasquehanna for the Grandson of William Penn, who is now a man as tall as I am; For when the Land is marked with his name upon the Trees, it will keep off the Mary Landers and every other Person whatsoever from coming to settle near you to disturb you,

And he bearing the same kind heart to the Indians which his Grandfather did, will be glad to give you any part of his Land for your own use and Convenience; but if other people take it up they will make settlements upon it, and then it will not be in his power to give it you as you want it.

My Dear Friends & Brothers:

Those who have any wisdom amongst you must see and be convinced that what I now say is intirely for your Good, for this will effectually hinder and prevent any Person from settling Lands on the other side of Sasquehannah according to your own Desire, and consequently You will be secure from being disturbed by ill neighbours, and have all that Land at the same time in your own power to make use of. This will also beget a true hearty Love & friendship between you, your children, and the Great Wm. Penn's Grandson, who is now Lord of all this Country in the room of his Grandfather. It is therefore fit & necessary for you to begin as soon as you can to express your Respect & Love to him; He expects it from you according to your promises in many Treaties, and he will take it very kindly.

Consider then, my Brothers, that I am now giving you an opportunity to speak your thoughts lovingly & freely unto this brave young man, Mr. Penn's Grandson; And I, whom you know to be your true friend will take care to Write down your Words, and to send them to England to this Gentleman, who will return you a kind Answer, and so your hearts will be made glad to see that the Great Wm. Penn still lives in his Children to love and serve the Indians.

15th June, 1722.

Letter to the Governor of Maryland Concerning the
Alleged Abduction of Certain Citizens of Pennsylvania
by the Authorities of Maryland, Etc.

Newberry, on Sasquehannah, June 23d, 1722.

SIR: AFTER I HAD BEEN HERE SOME DAYS I set out on Sunday morning last from Conestogoe towards New Castle, by way of Notingham, not without some hopes of having the happiness to meet you about the head of the Bay, from when I dayly expected to hear from you. But after I had proceeded twenty miles on my Journey, I received an Express on the road from two Magistrates of Pensilvania, informing me that they, with some others, had been taken Prisoners by a Party of men in Arms from Cecil County, & carried before the Justices of that Court, who detained them in Custody two days, and afterwards dismissed them upon a verbal promise to appeer there next Court. They also acquainted me of their being certainly informed by the Cecil Magistrates, that a Warrant was issued by Mr. Lloyd, for surveying a Mannor to my Lord Baltimore, upon the Banks of the Sasquehannah above Conestogoe, including this Settlement, from when I now write, and that an order had been issued by yourself in Council to press Men & Horses for that Service, and that they were to set out from Baltimore on Munday, vizt: next Day, under the Command of one Capt. Dursey. Nor Sir, tho' I did not by any means give credit to all this Relation, yet knowing the weakness & former attempts of some of your people of whom I have formerly complained to yourself, who justly bear the Character of Land Pyrates, I was resolved to put it out of their power on this occasion to embroil us by their ridiculous projects, and returning immediately to Conestogoe, where I indeed had left the Indians but two days before, much

alarmed wt. general Reports, that the Mary Landers were coming to Survey the Lands wch no reasonable man could then believe. I now did, at the earnest Request of the Indians, order a Survey to be forthwith made upon the Banks of Sasquehanna, right against our indian Towns, And you will find the Reasons I had for it more fully set forth in a Copy of the Warrant of the Survey here inclosed. As I found this absolutely necessary to be done for quieting the Indians, as well as to prevent the mischief which might happen upon any of your Peoples presuming to encroach upon what these Heathens call their own Property; so likewise, it appeared to me to be the only method I could take at this Juncture for preventing our own people from taking up or settling Lands on this side, to disturb or hamper the Indians, unto whom this Province is bound by old Treatys to give them a full scope & Liberty in their Settlements from the Christian Inhabitants.

But that all things of this nature may be carried on with that Openness of Heart & perfect good understanding which I am sure we both desire, and that your own prudent mild Conduct may be strengthened with all the Arguments I can furnish you for putting a just Restraint upon that Covetous & most licentious Humour with which you see we are continually plagued, I thought it my Duty without delay to acquaint you by Express with all that has been done here with the Reasons at large.

Perhaps some ignorant, or I should rather say designing people, will endeavour to perswade you that this place is upon the Border of Mary Land; Whereas in Truth, there cannot be a clearer Demonstration in any thing of that nature, than that it is about twelve miles to the Northward of Philadelphia, and I am sure I nee'd not say no more to convince you that at least I have good Reason to insist upon its being within the Limits of this Province, without all manner of Dispute.

My fatigue in the Woods has brought a small Fever upon me which an ounce of-Bark has pretty much abated, so that to morrow I shall return home by slow Journeys directly to Philadelphia, where I should rejoice to see you once more, but in all places & at all time I shall be, while living, most faithfully, &c.

W. KEITH.

Warrant for Surveying the Mannor of Springettsbury.

SIR WILLIAM KEITH, BART., GOVERNOUR OF
the Province of Pensilvania, &c.

To Colo. John French, Francis Worley, & Jamse Mitchell, Esqs.

Whereas, the three Nations of Indians settled on the North side of the River Sasquehannah, in His Maties Peace & under the protection of this Government, viz: The Conestogoes, The Shawanoes, & the Cawnoyes, are very much disturbed, and the Peace of this Colony is hourly in danger of being broken by persons, who pursuing their own private gain without any regard to Justice, Have attempted & others do still threaten to Survey and take up Lands on the South West Branch of the sd. River, right against the Towns & Settlements of the said Indians, without any Right or pretence of Authority so to do, from the Proprietor of this Province unto whom the Lands unquestionably belong.

And whereas, it is reasonable & agreeable to former Treaties with the Indians, that a sufficient quantity of Land upon the South West side of the river Sasquehanna be reserved in the Proprietors hands, for accommodating the said Indian Nations when it may hereafter be thought proper & convenient for them to remove their Settlements further from the Christian Inhabitants.

And Lastly, Whereas, at a Treaty held between the Indians and me, at Conestogoe, the 15th & 16th days of

this instant, They did earnestly desire & request me forthwith to Cause a large Tract of Land, right against their Towns upon Sasquehannah, to be surveyed & located for the Proprietors use only; Because, from his Bounty & Goodness, they could allwayes be sure to obtain whatsoever was necessary & Convenient for them from time to time.

These are, therefore, by Virtue of the Powers wherewith I am Entrusted for the Preservation of his Majesties Peace in this Province, & with a due & perfect regard to the Proprietors absolute Title & unquestionable Rights To Authorize, Impower & Command you, the said Colo. John French, Francis Worley & James Mitchell, with such of the neighbouring inhabitants as you shall think fit to call to your assistance immediately to cross the River Sasquehanna, and to survey or cause to be surveyed, marked and Located, the quantity of 70,000 acres or thereabout, in the name & for the use of the Honble Springet Penn, Esqr., which shall bear the name and be called The Mannor of Springetbury, Beginning your Survey as near as you can upon the South West Bank of the River Sasquehannah, over against the mouth of Conestogoe Creek; from thence by a Line W. S. W. Distance Ten miles more or less; from thence by a Line N. W. b. N. Twelve Miles more or less; thence by a Line E. N. E. untill you meet with the uppermost Corner tree of my Settlement called Newberry; from thence S. E. b S. along my head Line untill you come at my Southern Corner tree in the Woods; from thence down the Side Line of my Land E. N. E. until you come at the River Sasquahannah, & from thence by the said Rivers side unto the place where you first began, which Line will be the fourth Side of the said Survey, and when it is done & finished, You are to make a Return thereof upon the back of this Warrant unto the Govr. & Council of Pensilvania; For which this shall be unto you, the sd. Colo. John French, Francis

Worley & every of you, a sufficient Warrant Power & Authority. Give under my hand & Seal, at Conestogoe, the 18th day of June, in the Eighth year of our Sovereign Lord George, Annoq. Dom. 1722.

Signed,

W. KEITH.

Letter to James Mitchell Concerning the Ganaway Indians.

New Castle, July 16, 1722.

MR. MITCHELL:

I recd. yr. Letters by the Express who found me here last night, & inclosed I send you a Letter to the Ganawy King, which you are to deliver and let James Le Tort interpret. I approve yr. diligence & conduct in acquainting me so speedily with the Sentiments of the Indians, But if the Nanticocks have at any time occasion to speak to me they ought to send a Messenger of their own, & then I will receive him kindly. You did very well to give 100 wt. of flour to the Ganawys at this time, & if you find that any of the Bread still remains in Jacobus Henriques hands, let 200 wt. be given now to Winjack, or if there be no bread give him 200 wt. more of flour, all which Expences you must charge in an accot., making the Province of Pensilvania Debtor for such articles expended by the Govrs. order, also charge 40s. for the Express, then sign the Accot. and send it to me at Philadelpa. by first opportunity, and I will take care to see you well paid.

I remain your hearty friend,

W. KEITH.

Letter to the Ganawese King.

TO MY FRIEND WINJACK, KING OF THE
Ganawese Indians on Sasquahanna.

Brother: I have heard that your friends the Nanticokes are now at yr. Town upon their Journey to the five Nations. I know they are a peaceable People that live quietly amongst the English in Mary Land, and therefore I shall be glad to see them, and will be ready to do them any kindness in my power. I hear they want Capt. Smith for their interpreter, but you know he is engaged to go with me to Albany, and I desire you will send him down to me at Philada. about the last day upon this month, because upon the 8th of next month I shall go from Philada. to New York, and I desire Smith may be there to go along with me, and I should be glad also that Tom would come with him because he can speak to me in English. I have ordered Justice Mitchell to give you some flour and bread to entertain your friends the Nanticokes, and I heartily wish you and all your People well in good health.

New Castle, June 16, 1722.

Speech to Satcheechoe concerning his Embassy to the
Five Nations.

MY FRIEND SATCHEECHOE:

You have shewn yourself a good Traveller and a Diligent Messenger in performing the two Journeys you have undertaken to the five Nations; The first was greatly to my Satisfaction, in so much as our Brethren of the Five Nations shewed so much affection to us and paid so great a Regard to our Message as to hasten you back with divers Testimonials in Confirmation what they said, and notwithstanding

I was surprised to see you bring no Credentials with you this last time, Yet I shall believe you have discharged your part well, and that the occasion of your bringing no such thing is truly owing to the Cause you have assigned, that is that ye Chiefs could not meet then together, & that they designed to Answer me at Albany where they greatly desired to see me.

I expect, Satcheechoe, That you will continue in Town to proceed with me according to your proposal to Albany, And if Civility returns immediately to Conestogoe with the rest of the Company, I desire you will inform all the Indians who are coming down to the Trial of John & Edmund Cartlidge, that the sd. Trial is deferred until I return from Albany.

There will be delivered to you that Return, some small Tokens, viz: Two Strouds to Civility for his trouble in the Interpretation, and to Diohanse and Teshanoote one to each, with Provisions necessary to their Journey.

1st Augst., 1722.

Application to the Governor of New York for Leave to Treat with the Indians of the Five Nations at Albany.

New York, Augst. 13th, 1722.

SIR, The Province of Pensilvania being happily situated between his Majestys Govermts. of Virgia. & New York, it has been my greatest care to regulate the managemt. of the Indian Affairs in that Colony, so as to render the peaceable Disposition of the Inhabitants acceptable to the Indians, and consistent with the concerted measures and wise conduct of the neighbouring Provinces.

So soon therefore as I understood that Colo. Spotswood, the Govr. of Virginia, intended, with your Approbation and Concurrence, to hold a Treaty yith your Indians of the five Nations at Albany, I called the Assembly of Pensilvania together, and it is by their Advice that I am now come, accompanied with some few members of my Council, to entreat that with Yr. Excellency's permission, and in your presence, I may be allowed to renew upon this occasion, at Albany, the Leagues of friendship that have formerly been made between the Province of Pensilva. and the five Nations. The unhappy accident of an Indian being lately Kill'd in the Woods by some of our Traders, and the renewing our former Instances with this Governmt., to prevent, if possible, the five Nations from going to War, and making a Path through our Settlements upon the River Sasquahanna, are the principal points on which I purpose at this time to speak to your Indians, and as I have not any thing to offer but what I have reason to believe will perfectly agree with Yr. Excellency's sentiments & those of yr. Council, I am encouraged to hope you will favourably receive this application from,

Sir, Your most Obedt. humble Servt.

W. KEITH.

Speech to the Indians of the Five Nations at Albany.

BRETHREN:

I have travelled a great way to see you and to hold some Discourse with you. The People of Pennsylvania have always been friends to the five Nations; They have punctually kept all their former Treaties with you; They expect that you do not forget them, & therefore I am come to brighten the Chain between us. You sent me word that you desired to see me, &

I have obtained leave of my Brother, the Govr. of New York, to renew at this place our former Treaties with you, & I am glad he is present at with us to hear & observe all that is spoken.

Some of your Ancient Men can yet remember the first Settlement of the Province of Pennsylvania by Wm. Penn. He was a good man, & had a great Affection for all the Indians. He entered into Leagues of friendship with them and treated them as his Brethren, and he gave it in Charge to his Govrs., whom he left in his place, and to all his people, that they should continue to do the same.

Divers Great men from the five Nations have on several occasions visited us at Philada. & Conestogoe. We were always glad to see them and treated them kindly like Brethren. They made firm Leagues of friendship with us & frequently renewed & strengthen'd them. We became as one People & hope always to continue so, and as often as the five Nations renewd their Leagues with our great & good friends the Govrs. of New York, it still united them the more nearly to us as being subjects of one & the same Great King.

Last Summer the Wise & Good Man Ghesaont, with some others of yr. people, came in the name of all the five Nations to visit us at Conestogoe. We received them with joy & opened our hearts to each other. He rejoyc'd to see us & our Indians live in so much love together, we then brightened the Chain that it might be dear, strong & lasting as the Sun & Stars. But when we heard that Ghesaont died in Virginia we were very sorry, Yet I hope the five Nations received my Words of Love & friendship to their Sachims, and to all their people, with the Golden Medal & the Presents then delivered.

It was then stipulated & agree between us, That we should all be as one People; That the five Nations should not do an injury to any of the five Nations more

than to our own people, or if any person did such injury, they should be punished for it in the same manner as if done to an Englishman.

Since that time a very unhappy accident has fallen out, which gave us great grief last Winter; We heard, that one of the five Nations had lost his life by means of some of our People.

The very next day the News came to me at Philada. I sent two of my Council to Conestogoe, to enquire into the matter and bring me the Truth. They found that the Quarrel arose about Rum between a Brother of the five Nations, who hunted near Patowmeck, and two of our Traders. The Indian was angry, & went hastily & took his Gun to Kill the Englishman; they in defence of themselves Seized the Indian, & in struggling gave him some Blows and left him. We heard that our Indian friend & Brother died ye next day.

The men who did this were brought to Philada. and put in Prison, and they will be tried according to our Laws, in the same manner as if they had Killed an Englishman; And to prevent such mischief for the future, we have made a severe Law against selling of Rum to the Indians. Tho' this misfortune gave us great Grief, yet we are perswaded that the Chief Sachims of the five Nations are so wise as to know that such accidents may happen, without any ill design amongst the nearest Brethren. And by this they will see how strictly we keep our Leagues & Treaties, in punishing those who shall dare to offend & injure them or any of their People.

I made haste to send a message to the five Nations by Satcheechoe to express our sorrow, & I received their kind answer by the Return of the same messenger. You received our message like true Brethren, desiring us to wipe away our tears and invited me to come to see you, immediately I sent Satcheechoe back with this Answer, That I would meet you at Albany with my

good friends the Govrs. of New York & Virginia, and I sent some tokens to your Sachims which I hope they received, with a Mourning Gold Ring off my own finger to Sakaunkauta.

Satcheechoe returned speedily and said you would be glad to see me at Albany. He also told me you desired John Cartlidge might be released out of Prison, & ye injury done to your Kinsman might be forgot; But Satcheechoe brought no Belt nor any other Token to confirm his Words, & therefore, I have brought him along with me, that you may know & tell me if he spoke Truth.

Brethren: You see I am come here with four of my Council to visit you. I have left my family & People, and have travelled a great way to take you by the hand to joyn Hearts, and to rejoice in seeing each others faces, for all clouds & Darknes must be done away, that the flame of Love & affection may burn clear in our Breasts.

I have brought these Goods with me to bind my Words, viz: five pieces of Strouds for Cloathing, five Casks of Powder and five hundred wt. of Lead, to encourage your hunting, that you may grow Rich & Strong; And I desire you may receive them as a Pledge of our firm Resolutions to live in perpetual peace & under the strongest ties of friendship with the five Nations; that you will ever remember us as your Brethren, and not suffer your young men, when they travel, to hurt any of our inhabitants no more than they would their own, or to kill their Cattle & Stock; And that this visit & the Covenant Chain which is hereby brightened may be recorded in everlasting remembrance to be sent down to your & our children, and our children's children, to last as Long as the Mountains & Rivers, and the Sun & Moon shall endure.

I also give you those two pieces of Blankets to wipe away and dry up the Blood that has been spilt, and to

cover it so as it may never be seen or heard of any more.

I live at a great distance from the Brethren, and perhaps may never see so many of your ancient men together again; I will therefore like a true Brother, leave with you my best advice for the happiness and welfare of all yr. people, & as oft as you look upon these two Belts, remember (Two Belts laid down) that this one signifies the strength which a wise Nation acquires & secures to its people by peaceable Councils, and increasing the number of its friends; and this other Belt represents to you a Bold, firm true heart that abhors falsehood, but is ever faithfull to its friends & punctually observes whatsoever it promises.

Seprmr. 7th, 1722.

Speech to the Chiefs of the Five Nations at Albany.

BRETHREN. YOU KNOW VERY WELL THAT the Lands about Conestogoe, upon the River Sasquehanna, belong to your old friend & kind Brother William Penn; nevertheless, I do here, in his name, kindly accept of the offer & surrender, which you have now made to me, because it will put an end to all other claims & Disputes if any should be made hereafter.

Brethren: I understand as you do, that we here at this time renewed all former Treaties between the five Nations & Pensilvania, and considering how well you are provided with Goods at Albany, I think Philadelphia will be far out of your way to Trade, but as often as any of your People come to us in Love and friendship, they shall be treated like Brethern.

I am not able to provide for you here as if I were at home, but I will order some Bread to be got for your particular use, and I heartily wish you well home to your own ffamilies.

Septembr. 10th, 1722.

Letter to the Governor of Virginia concerning the unwillingness of the Council for him to Treat with the Pennsylvania Indians.

SIR:

Immediately after I received the Honr. of yours of the 2d inst., I called the Council of this Province together, communicated the same to them with my Sentiments, viz: That I very much approved of your Proposal to Treat with our Indians at this time upon the Heads mentioned in your Letter; For as I had carefully observed the General Purport & Design of your Treaty & whole conduct at Albany with the Indians of the Five Nations, seemed principally to Secure all these Colonies, as well as Virginia, from being any longer imposed upon & molested by their accustomed way of breaking through their former Treaties & solemn Promises to the English Governments, without any Excuse than that they were not able to restrain their young men, I was well satisfied to see their Hands so effectually tyed up by their own voluntary act, and considering the near Relation, Intimacy & Correspondence between the five Nations & our Indians upon Sasquahannah, I could not but think, that if our Indians who are so much nearer to Virginia, were brought voluntarily & distinctly by themselves to accept of & confirm the same Proposition as to the Boundaries which the five Nations have actually undertaken for them, that they shall observe it would in all probability prevent future Disturbance on the Frontiers of these Colonies, and tend to a General Peace amongst the Indians on this side the Lakes. But finding that some members of the Council were not altogether of my opinion, and seemed to have a different view of this matter, I was willing to delay returning an Answer to your most obliging Letters, until I had their Sentiments upon a subject that seemed to be of so much Importance to the Peace of this Province.

I beg you will put a favourable construction on my hearty endeavours to Answer your just Expectations, and to shew as far as I am able a perfect Regard to the Honr. & Interest of Virginia, and after you have considered the inclos'd Representation from the Council to me, please to be assured, that according as it proves agreeable to your Excellent Judgment & great Experience in Affairs of this Nature, I will either wait upon you to Conestogoe, where at your Request I have already appointed the Chiefs of our Indians to meet you, or if you chuse rather to leave any Directions with me, I shall diligently use my best endeavours to bring the Indians into those measures which you propose, & which I rejoyce to observe have been so judiciously concerted and agreed upon between the Governmts. of Virginia & New York, for the General Advantage of His Majesties Dominions on this part of the Continent. I am with great Esteem & Respect,

Sir,

Your most humble & most obedient Servant,

W. KEITH.

Philada., Oct. 6, 1722.

Message to the Indians at Conestogoe.

TO THE CHIEFS OF THE CONESTOGOE, DELAWARE, Shawannese & Ganawese Indians.

Friends & Brethren:

You will rejoyce with me that I and my Company are not only safely returned (by Gods blessing) from our long Journey to Albany, but that we have entered into a more firm & solemn League than ever before with all the five Nations. I was in hopes before this time to have seen you there myself in Company with my good friend Colo. Spotswood, Governr. of Virginia, who re-

turned with me from Albany to this place, and there to have laid before you the whole Treaty we have made. Colo. Spotswood also intended to come and acquaint you with the Treaty he has made with the five Nations, and to confirm the same with you; but having spent a long time abroad, the year being far gone, and having heard at this Town some News from Virginia, he was obliged to return home without farther Delay. He designed to visit you, and you will take kindly his Good will in this design, and excuse the necessity of leaving us so soon since his Affairs obliged him to it.

I also must attend the meeting of our Assembly next week, and therefore I have ordered the Treaty made with the five Nations, in behalf of all this Government, to be now interpreted to you by James Letort, who was with me at Albany. I shall also as your true friend, communicate to you the Treaty that Colo. Spotswood has made with the five Nations, which very nearly concerns you for they have included you in it, and have obliged you to observe it as well as themselves.

You know the great pains that we have all taken to preserve Peace among the Indians. There was no End to the Robberies committed by the Young Men of the five Nations upon the people of Virginia, and to their Attacks upon the Indians of Virginia. He therefore, by several Treaties, agreed both with the Southern Indians and the five Nations upon certain Boundaries & Limits to be fixed by them, that is, that the Indians of Virginia should not pass to the Westward of the great Ridge of Mountains, nor to the Northward of the great River Patowmeck, viz: the Southern Branch of it; And that neither the five Nations, nor any of your or any other Northern Indians should pass to the Southward of the said Southern Branch of Patowmeck, nor to the Eastward of that great Ridge of Mountains, but that the Indians on both sides should exactly observe these Boundaries.

Notwithstanding which the Young Men of the five Nations, & some of you sometimes in company with them since that agreement as you very well know have passed over those Boundaries, and have done mischief to the Inhabitants of Virginia & their Indians.

Therefore to prevent all such mischief for the future, the Governmt. of Virginia have made a very strict Law, by which, if any of the Southern Indians shall come to the Northward of Patowmeck or pass to the Westward of the great Ridge it shall be lawfull to put them to Death, and if any of the five Nations shall pass the said Boundaries to the Southward or Eastward of the same Boundaries, they shall be treated as public Enemies and be put to Death, or transported into other Countries beyond the Seas.

And Colo. Spotswood has now, in this most solemn Treaty, agreed with the five Nations for and in behalf of Ten Nations, who all inhabit within the great Ridge of Mountains, viz: the Nottaways, Mehevins, Nansemonds, Pammunkies, Cheecomines, Toderickoons, whom the call the Saponies, Ochineecties, Stenickenoeks, Meyroutsxies & Tooteloes, that none of them without having a Passport from the Governour to produce, shall on any pretence whatsoever pass over the sd. great Ridge of Mountains to the Westward, nor to the Northward of the River Patowmeck, or in case they do without such a Pasport, it shall be lawfull for the Indians to the Northward to put such Southern Indians to Death; And the five Nations have in like manner more solemnly agreed for & in behalf of themselves the Maguese, Oneydoes, Onondagues, Cayoogoes and Sinnekes, as also for & in behalf of the Tuscarosoes, the Conestogoes, the Shawannese, the Octatiguanannkroons and the Ostagues, being in all Ten Nations, that none of them without having a Pasport to produce the same, shall on any accot. whatsoever pass to the Southward of the River Potawmack, which they

call Kahangorouton, nor to the Eastward of the great Ridge of Mountains, or in case any of them or you shall pass the Boundaries on any accot. whatsoever without a Passport, to produce, such Indians shall be put to Death for so being, or be transported and sold for Slaves; and this Treaty they have all confirmed, and signed a Writing under their Hands for an everlasting Remembrance that they & their children & you & your Children may forever observe it.

You see therefore, my Friends & Brethern, that as the five Nations have thought it for preventing all further misunderstandings with Virginia, to bind not only themselves but have taken upon them to bind you, also most firmly to observe this Treaty; You for your own safety you must give Notice to all your people, that they strictly observe on your parts what they have done, lest any of you should forget & expose yourselves to the punishments which the Virginians will absurdely inflict on those who trespass the Law and Solemn Agreement, and accordingly I must press you all, as I am your true friend, most carefully to remember and observe the same, that you may not by this Treaty be brought into any trouble.

I must further acquaint you, that Colo. Spotswood has left with me a Belt of Wampum, to be delivered to you when your Chiefs think fit all to meet to receive the same, as a mark of your agreement to the Treaty the five Nations have made, which for your own safty you ought to observe, lest you fall under the Punishments to be inflicted on those who violate the Treaty.

I must also further inform you that the five Nations have agreed in the same Treaty, that neither they nor you shall receive or harbor any Negroes on any accot. whatsoever, but if any of them be found by the Indians in the woods, they shall be taken up and brought to the Governour that they may be returned to their masters, for you know the Negroes are Slaves. But now some

of these Negroes having runaway from their masters in Virginia, are said to be entertained by some Shawanese on Patowmeck; Therefore, Colo. Spotswood sends a Belt which is now to be delivered to you that you may take up these Negroes, and he desires that they may be delivered to Colo. Mason, on Patowmeck in Virginia, who will give Persons who will bring them to him, one Good Gun and two Blankets for each Negro, and I have herewith sent you my Pass that you may safely carry them into Virginia without any danger, & receive that Reward; And the same value you will receive, from time to time, for every Runaway Negro that you shall take up & deliver in the like manner that they may be restored to their Master.

This being a matter of Importance, we will expect that the Shawanese shall forthwith deliver all these Negroes which they have, for you very well know that the Conestogoes have obliged themselves to this Government to answer for the Shawanese, for that they shall behave themselves friendly in all things to this Government and to all the English. But to entertain our Slaves is not only scandalous to the Indians but an injury to the English, and is contrary to the Treaty's already made.

11th Octobr., 1722.

Speech to the Chiefs of the Ganaway and Other Indians.

BRETHREN. YOU KNOW THAT I CAME FROM William Penn to fulfill his kind words to the Indians, and to be as a Father to them now, since He is gone.

It is also the Orders & Command of the Great King George my Master, That the English & the Indians should live together as Brethren in one Family.

If any of us therefore happen to be sick or in want of food the other should help him, and when any Loss or Misfortune befalls either the English or the Indians, the other is sorry & in grief for it.

You say William Penn Knew you to be a discerning People that could see and hear afar off, and I say you Know the English to be a faithful good People who always keep their Treaties & Leagues punctually with the Indians, and you also know that our Laws make no distinction between our peoples and yours.

We being thus linked together in one Family, we ought always to have but one Council and so be of one mind, and therefore we cannot suffer one half to go to War while the other remains at home in Peace.

When any People are divided in their Councils & opinions they grow weak & soon become a prey to their Enemies.

In such cases you know it is the constant practice amongst you People to consult together in Council until the old & wise men overcome & convince the weaker heads of the young & foolish.

Just so ought you to do with us, because we are altogether one people, and then the Family become strong in Love Peace & Friendship to each other.

Remember that this is the bright Chain of Love and Friendship wherewith William Penn bound your People and his together, never more to be separated. By this Chain Philadelphia is joined to Conestogoe, and all the Indian Towns upon Susquehannah.

By laying our hands as it were on this Chain, We can safely travel by night or by day through all your Towns, and into the woods, and in like manner your people are thereby conducted safely through all our Settlements back again to us at Philadelphia.

You must know & remember that it is my proper Office & Business, as Governor of the whole Country to keep this Chain perfectly clean and free from the least Speck of Rust.

Yu therefore, Whiwhinjac, King of the Ganwaese who have now spoke to me in the name and on the behalf of the four Nations of Indians upon Susquehannah must remember what I am now going to say and tell the other Chiefs of these Nations That I expect you and they being frequently in Council together with your old & wise men will be exceedingly careful to keep that End of the Chain towards your own Settlements always bright & Clear, and you may assure all your People that as often as any of them have occasion to come down to visit their Brethren the English here, they shall not find the least spot on this End of the Chain fastned here, which is always in my view and shall be my particular Care.

The dead body of our Indian Brother whom you mention was covered by me at Albany in the sight of all the Chiefs of the Five Nations and to the Satisfaction of his Kindred; Nevertheless I take it very kindly that you now desire that Blood may be washed away under the Ground never more to be seen or heard of. This shews that you are truly our Brethren, and hereupon I embrace and as it were take into my arms you and all your People.

I will take care that no English Settlements shall hereafter be made too near your Towns to disturb you, so that the Shawanoes & Ganawese may remain in Peace where they now are, for we are well pleased with them as Neighbours, and do not desire to see them remove further from us. But as I have always been ready to hear your Complaints and take care of you as my own Children, so I must also do by the English; Wherefore I desire you will be mindfull to treat them like Brethren of the same family and do not suffer your young People with their Dogs & Arrows to Hunt & Kill their Creatures.

I gave you these things here before you to confirm what I have said, viz: the presents before mentd.

I have also ordered some Provisions and Gallons of Rum to help you back to your Families, and I heartily wish you a good Journey home, ——— which done.

That they misapprehended his meaning, which was, That if any Englishman did injury to an Indian he should suffer the same punishment as if he had done it to an Englishman. But if an Indian committed Robbery or such like Crime agst. the English, he would acquaint their Chief with it and from him expect Satisfaction.

That the five Nations by their Treaty with the Governr. of Virginia had agreed not only to forbear themselves, but also to restrain the Susquehanna Indians from Hunting there, for that He (Civility) knew that some of the five Nations under pretence of hunting had gone there formerly and murdered & plundered some of the English, which was the cause of making that severe article in the Treaty.

That the people of Maryland & Pensilvania were very good Friends, and he was contented they should go, but that ye Indians should consider that as they were Inhabitants of Pensilvania, they were immediately subjects of that Governmt., & none other.

20th May, 1723.

Reply to a Notification from the Governor of Maryland that he Purposed Re-surveying the Fortieth Degree of Latitude on the west side of the Susquehannah.

SIR: I HAVE THE HONR. OF YOURS DATED the 29th ult., by your Express, wherein you acquaint me that you have received Instructions from my Lord Baltemore, forthwith to Return to him the true Limits & Bounderies of the Province of Mary-

land, pursuant to a Letter from the Right Honble the Lord Commissioners for Trade & Plantations directed, as I suppose, to His Lordship for that purpose. You also in obedience to his Lordships Commands are therein pleased to give me notice that you intend on the 10th, 11th & 12th days of Sept. next, upon the west side of the Susquehanna River to take the 40th Degree of northern Latitude from the Equinoctial, the better to enable you to answer the Ends of his Majesties Service expressed in their Lordships said Letter; and your further add, that my Lord Baltimore has thought proper thus to make known the same unto me, least I, or any Inhabitants of Pensilvania should take umbrage at or misconstrue your Transactions.

In Answer, I beg leave to think that my Carriage & Behaviour since I have been Governour of this Province, has whenever an occasion offered, been truly respectful to my Lord Baltimore, for whose Person and noble Character I do profess a very great & most sincere Esteem, so that I cannot imagine how His Lordship or any of his Friends can conceive that I should concern myself with, and much less take umbrage at any orders which his Lordship is pleased to give to his officers in Maryland, or the Transactions to be done in pursuance of such his Lordships Orders, within the just or reputed known Limits of his Province of Maryland. But, if under the pretence of executing any orders from my Lord Baltimore, or from the Lords Commissioners of Trade and Plantations, which have not been communicated to the Proprietor or Governour of this Province for the time being, it is intended or designed to take any Observation or Run out any Line whereby the Proprietor of Pensilvania may be hereafter excluded from, or in the least prejudiced in what will on a fair Enquiry appear to be his just Right, or if under any pretence whatsoever it be proposed that the officers of Maryland by themselves, and without the

concurrence of the Proprietor of this Province, or of such as are lawfully impowered by him, shall take upon them, to extend by any Observation or Survey, the northern Boundary of Maryland beyond the Octoraroe Line, established (as I am ready to prove by incontestible Evidence) above forty years ago by Charles then Lord Baltimore, and Second Proprietor of that Province, who certainly was well acquainted with the meaning & construction of his own Patent or Grant from the Crown, in either of those cases. I beg leave to say, that my Duty indispensably obliges me strenuously to oppose all Observations or Surveys made with any such unequitable & partial Intent.

In the year 1719, I received a Letter from the Right Honble The Lords Commissioners of Trade & Plantations of which I herewith send you a Copy, because I believe it to be in Course much the same with what you mention to have been received on the part of Maryland, and if so, you may easily observe that there is not any thing there which will direct or countenance you to discover the Bounds of Maryland by Astronomical Rules and uncertain Observations, So that probably it must be some other Service than that of His Majesty, or the Proprietor of Maryland which now gives rise to such a Conceit. But if Mr. Secretary Lloyd, whom I know to be a very ingenious & inquisitive Gentleman, must needs improve his skill in Observations of that nature, it is my humble opinion, he will do it to better purpose and more safely, by consulting Lord Baltimore's original Patent or Grant, which confines the Province of Maryland on this side, in these words: "To that part of Delaware Bay which lyeth under the fortieth Degree or Northerly Latitude," than by running up into the woods on the west side of Susquehanna River, without a sufficient authority & proper Direction for that purpose.

I take this opportunity to put you in mind of your

Promise last March when I waited for the Honr. of your Company at New Castle, viz: That as soon as some Letters then expected from my Lord Baltemore would arrive, you would certainly give me a meeting in Company with some Gentlemen of your Council, in order to Quiet the minds of the people, by calmly hearing what was to be said on both sides, and settling such little Differences as had then happened on the Frontiers between these two Provinces. As this would be an act truly becoming the Duty of our respective Stations, it could not fail to meet with a general approbation at Home, and therefore I humbly entreat you will be pleased to lay this Proposal before your Council, as a matter of some importance which claims their serious Deliberation, before you proceed to take your proposed Observations upon Susquehanna, and whatever time & place you and the Council of Maryland think fit to agree upon for conferring with me, and some Gentlemen of my Council in order to adjust all Differences in opinion about Limits or other misunderstandings, shall upon Notice thereof be punctually observed and complied with by

Sir, your most obedient humble Servant,

W. KEITH.

4th Septembr., 1723.

Address to the King of England.

TO THE KING'S MOST EXCELLENT MAJESTY.

The Humble Address of the Governour, Council and Assembly of the province of Pennsylvania met at Philada. the 22d day of November 1723.

Most Gracious Sovereign:

When we reflect on the most providential Event of your Majesties peaceable Accession to the Throne of

your Ancestors, and pursue the same Divine Hand through the many uncommon Blessings, which from the Fountain of your Wisdom and Royal Clemency have flowed upon all your Dominions during the Course of your Great Reign. We find in our Breasts an irresistible Desire to Declare in the most publick manner we can, our utter abhorrence of the unnatural and most absurd Principles of those wicked men, who were any ways concerned in framing and carrying on the late traitorous Conspiracy against your Majesties Sacred Person and Government.

We Bless God, and at the same time most heartily congratulate your Sacred Majesty, on the seasonable, clean & happy discovery of that detestable Plot; and that your most Serene Majesty, and all the illustrious Branches of your Royal Family, may forever continue to Prosper under the apparent Influences of Heaven, by subduing your Enemies, endearing your Allies, and making all your good Subjects perfectly happy, is the wishes and prayers of

May it please your Majesty, your Majesties most loyal, most faithful, and most obedient Subjects,

W. KEITH, &c. &c.

Letter to the Governor of Maryland concerning the
Boundary Line.

Phila^{da}., May 5th, 1724.

SIR:

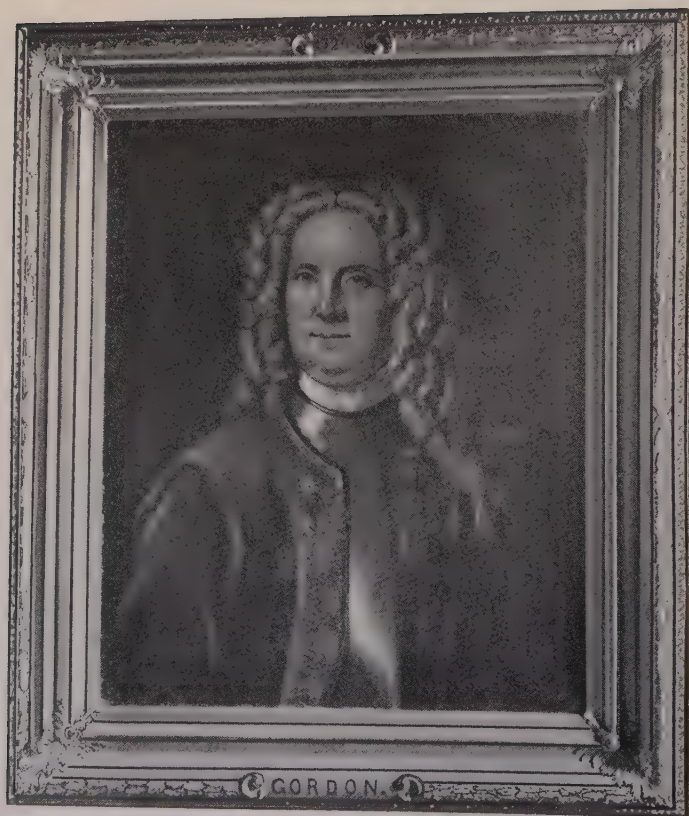
Inclosed I send you the Copy of an Original Agreement concerning the disputed Boundaries of the Provinces of Maryland and Pensilvania, which is just come to my Hands, & since doubtless this will have an immediate good Effect by Quieting his Majesties Subjects on both sides in the peaceable enjoyment of

their present Settlements. I am perswaded that on our Parts, We shall with Equal Chearfullness be deligent to lose no time in issuing the Proclamations thereby directed, as well as strictly observing the Conditions in the sd. Articles stipulated and agreed upon between our respective Principles.

I am with Esteem, Sir,

Your most obedt. humble Servant,

W. KEITH.



D Gordon

PATRICK GORDON.
Lieutenant Governor.
1727-1736.



Chapter X.

PATRICK GORDON.

Lieutenant Governor,

1727-1736.

“A PLAIN, BLUNT SOLDIER” WAS GOVERNOR Gordon’s characterization of himself. Nevertheless, in his management of Pennsylvania affairs, he conducted himself so discreetly as largely to avoid antagonism and to win the good will and respect of all parties. During his administration was enacted and repealed a law taxing foreign immigrants, pointed particularly against the German Palatines. Independence Hall was begun and a long series of border difficulties with Maryland became a prominent factor in the gubernatorial problem. He wrote a small monograph, entitled “Two Indian Treaties at Conestogoe.” The end of his administration was troubled by a question as to the proprietaryship and the consequent legality of his position, and in the royal approval of the new commission issued to avoid complications appeared the first reservation to the king of the control of the counties on the Delaware, now forming the State of that name. Governor Gordon died in office generally lamented, his service having extended from July 1726 to August 1736.

Inaugural Speech to the Assembly.

MR. SPEAKER & GENTLEMEN OF THE AS-
sembly:

"After my Arrival here with my Family, I earnestly wished for the Opportunity your own Adjournment has now given me of seeing & speaking to the Representatives of the good People of this Province, whose general character for Sobriety & Industry, above many other of his Majesties Subjects, added much to the pleasure I received from our Honble Proprietors Nomination of me to serve them and you in this Station.

"And I question not, Gentlemen, but all those who have a due sense of Gratitude for the Merits of the worthy Founder of this Colony under the Crown, will be very well pleased to find, by my Accession, that no Disputes amongst his Descendants could disable them from pursuing the common Measures, according to their undoubted Right, in substituting their Deputy for the Administration of this Government, nor prove any Obstruction to the Kings Gracious Approbation of their Appointment.

"His Majesties Concurrence is what all men might rationally expect from a Sovereign, whose innate Goodness, impartial Justice, & unwearied Vigilance, not only for the Security & Liberties of his Subjects, but for the general Benefit & Freedom of Mankind, have made him the object of the Love or Terror of the Nations round him & the Proprietors Family. I assure you, Gentlemen, express so sincere a Zeal & so tender a Concern for our Happiness, that principally on this Foundation I hope to recommend myself to their Regard; For their Interest & yours they esteem inseparable, & consider those as Friends to neither who would tempt to Divide them.

"From hence it is that I, in a great measure, account

to myself for their Choice of me before divers others who solicited their Favour, For Knowing that I had been bred to the Camp, remote from the refined Politics which often serve to perplex mankind, And that an honest Plainness, from from Art or Disguise, made up the main of my Character, amongst my Friends & Acquaintances, the Honble the Proprietors rightly Judged, that such a Person could form no views, but what would be openly avowed, and therefore he understood by every Man they could affect.

"This notwithstanding might lay me under some Discouragement, lest on nicer Occurrences, I might fail in the Discharge of so important a Trust, but I have even been perswaded; that to do Right is not so difficult a Task, as some would render it. In Emergencies of Weight & Moment, I shall endeavour to Fortify myself with the Advice of the Representatives of the People, when it may be had, and at all Times, with the Judgment of such only as I can be assured have the true Interest of the Publick, so seriously at heart, that nothing private can interfere with it.

"To discountenance Parties, Divisions, & Factions in Government, to maintain Right & Justice, to promote Vertue, to suppress Vice, Immorality, & Prophaness, to assit & protect the Magistrates in Discharge of their Duty herein, to Encourage Legal Trade, & to use the Indians well, as they are plain, so they are the principal matters I have in Charge, in all which I shall depend on the Concurrences of the Assemblys of this Province where any further Provision by Laws to be Enacted for any of the said Purposes may be necessary, and on my part, nothing in my Power shall be wanting to Enforce their Execution.

"To transmit our Laws duely to his Majesties Privy Council, pursuant to an Injunction in the Royal Charter, and to have a proper Agent appointed, is another Article, Gentlemen, I am to Recommend, & you

will easily perceive this to be of such Importance, that I promise myself, it cannot fail of your serious thoughts & Consideration.

“These Heads, Gentlemen, I judged necessary to mention together at this our first meeting, which may now, or hereafter, at the most proper Seasons be duely Considered, To which I shall only add, that to secure the Peace, & advance the Prosperity of the People of this Province, and to concur with their Representatives in such measures as may best obtain these Ends being Equally my Duty & Inclination, for what relates more immediately to my Self, I shall so far depend on their Goodnes & Justice, as to hope I shall never have occasion to put them otherways in mind of it, but that we may on both sides rest secure of an honourable discharge of what is incumbent upon us, reciprocally to each other.

2d Augst., 1726.

Introductory Speech to the Assembly.

MR. SPEAKER & GENTLEMEN OF THE
House of Representatives,

Having fully declared to the last Assembly what I take to be incumbent on me, in the Discharge of my Trust, I shall now recommend to you such matters relating to the Publick, as may be proper for your consideration.

And in the first Place our Bills of Credit will claim you Regard At your first meeting in October, I acquainted you with a Letter I had received but two days before from the Secretary to the Right Honourable the Lords Commissioners for Trade and Plantations, on the Subject of our Paper Currency, which I now lay before you, By this Letter you will observe what Impressions the Conduct of some of these American Col-

onies had made on the Board to the Disadvantage of such Bills. Yet notwithstanding their Dislike to them in general, they have expressed so much Tenderness for the People of this Province, who have now that Currency in their Hands, that we may, I hope, justly concluded the former Acts for establishing are happily out of Danger of a Repeal, But as the Act past last year for re-emitting part of the same Bills out of the Loan Office may be thought to interfere with their Lordships Directions, it will require our serious Application to find out proper Measures for securing this equally with the other acts, which 'tis hoped, may be successfully effected, when their Lordships are duly apprized that the Trade between Brittain & this Province, has been so far from suffering, that it has been manifestly increased since the Establishment of that Currency here, & that more British Goods have been imported, more Ships built in this Place for their Merchants, than had been for many Years before, But more especially that this Currency instead of sinking in value, which has been the great & chief objection to it in some other Colonies, now actually rises with us, being at this time at less than half the Discount that, as I have been assured, it bore with Gold & Silver but a Month before my Arrival; When this is duly represented to their Lordships, I hope we shall have no Room to doubt, but they will abate in their opinions of the ill consequences of that Currency, especially in this Colony—And therefore seeing Ten thousand Pounds of the Bills now in the Peoples hands, subsist on the Foundation of the last act, which was passed before their Lordships Sentiments were made known to us, we may hope for their Indulgence to that also, To obtain which I shall very heartily joyn with you Gentlemen in whatsoever shall be reasonably proposed.

I cannot but with great pleasure take notice on this occasion, of the happy Prospect that this Province now

affords of supplying by the Industry of its Inhabitants, the Want of these Natural Advantages that have attended divers of the American Colonies (in making Returns with their own Product directly for Brittain) which in all Probability must in due time introduce real Wealth & a Currency of Intrinsic Value amongst us.

Several Companies are already engaged in carrying on Iron works. Hemp, from the Encouragement given, I am told, is raised in much greater Quantities, But the first of these requiring a large stock, and the other very fertile or enriched Land, weh may disable poorer Families from partaking of their benefits; Providence seems now to have pointed out one Method more for employing Even the mean & weak, as well as others of both sexes to considerable advantage, by raising Silk, which, as I am credibly informed is produced here, as fine & good, as most of the World affords, & with as much ease. These three are Commodities for which Britain pays dear to other Countries, and with which there can be no Danger of overstocking the Market, therefore as nothing can be more acceptable to Britain, than to receive from its own Colonies, what it purchases more disadvantageously from Foreigners, nothing perhaps may better deserve the Notice Encouragement of the Legislature.

These Gentlemen are the Heads I shall at present mention, what further occurs may be sent to you by Messages, I shall only here observe, that from the Views I have yet had of this Province, it appears very plain, that we are, or may be, a very happy People, if we can but act worthy of those Blessings which seems to have attended the pious & sincere Intentions of the late Honourable Proprietor of those Sober good People, who have joyned their Endeavours in the Settlement of this Colony. A gratefull & humble Sense of those Mercies from the bountiful Hand of Divine Providence, under the mild Influence of a most benign & gracious

Sovereign, and the favor of indulgent Proprietors, are the only Methods of securing their Continuance, And a steady Resolution in you Gentlemen to advance the true & solid Interest of the Countrey & Reputation of the Governmt. by establishing Justice & Sobriety, will be the most effectual means of disappointing those who by fomenting vain & idle Jealousies might seek to disturb our Repose, In all which & whatever may tend to the Honour & Benefit of the Publick, You shall always have my very ready Concurrence.

21st Novembr., 1726.

Concerning the Prevalence of Counterfeit Bills.

MR. SPEAKER & GENTS. OF THE HOUSE OF Representatives:

The weather and floods having prevented your meeting on the 27th instant, pursuant to your last Adjournment, I thought fitt notwithstanding as soon as a sufficient Number to make a House were in Town, to enable you as I now do to act again, & altho' I understand you are still for the reason that have been mentioned, much short of being full, yet I cannot decline laying before you a Matter of vast importance to the whole Countrey, which requires all our attention & your serious Application.

This, Gentlemen, is the horrid Attempt of some of the wickedest of Men, to adulterate the Bills of Credit of our own and the neighbouring Provinces, first discovered by me at Newcastle, and since more fully by his Excellency the Governour of New York, who has advised me of his Success in apprehending two of the Criminals there.

The design appears to have been laid so deep, that it may not unjustly be compared to the poisoning the waters

of a Countrey, the blackest & most detestable practice that is known, & which the laws of Nations & those of War condemn even in declared Enemies, for as that destroys the lives of the innocent in taking their natural Food, this would as effectually overthrow all Credit, Commerce & Traffick, and the mutual Confidence that must Subsist in Society to enable the members of it to procure to themselves & Families their necessary Bread.

We have seen large Quantities of the Counterfeit Bills of our neighbouring Colony diffused in this Province, to the great Loss of its Inhabitants, and I am credibly informed the Design has been laid to pour in upon us a flood of our own Bills, counterfeited from Ireland, where they have so artfully imitated most of those of Jersey, that it requires more skill to distinguish them than is to be expected amongst the Common, & especially amongst Countrey People.

Therefore to prevent the importation & spreading of these Bills, if possible, & to provide for the apprehending & punishing the Importers or Counterfeiters, & such as shall knowingly utter the same, in a manner more adequate to the Crime than is yet provided by the Law, is what I must now earnestly recommend to your most serious Consideration, lest such Provision should be too late, & the Credit of our Bills should sink, which for the fatal Consequences that you are sensible must attend that unhappy event, should be guarded against with the utmost Care.

29th March, 1727.

Speech to the Chiefs of the Five Nations Indians.

THE GOVERNOURS OF THIS PROVINCE, WHO have all acted here in the Place of William Penn, first & great Governour of the same, have always been pleased with every Opportunity of cultivating & improving a friendship with the five Nations, and the present Governour & his Council take their Visit very kindly at this time, but they had been misinformed when they Supposed the Governour had sent for them; the Journey is very long & he would not have putt them to so much Trouble, or if he had seen Occasion for it he would according to Custom have sent some Messenger with a Token, by which the five Nations might have been assured of the Truth of the Message.

Governour Penn, (that is Onash,) when he first came into this Province, took all the Indians of it by the hand; he embraced them as his Friends & Brethren, & made a firm League of Friendship with them; he bound it as with a Chain that was never to be broken; he took none of their Lands without purchasing and paying for them, & knowing the five Nations claimed the Lands on Sasquehannah, he engaged Collonel Dungan, Governour of New York, about forty years since to purchase their Right in his behalf, which Collonel Dungan did, & we have the Deeds from him for all those Lands.

The five Nations were so sensible of this that they never since claimed these Lands, tho' we have had many Visits from them hither for brightening the Chain of Friendship. And five Years since, when Sir William Keith and four Gentlemen of the Council were at Albany, at a general Meeting of all the five Nations their Chiefs of themselves confirmed the former Grant, and absolutely released all Pretentions to these Lands; Our Records shew this, & these People who are now here cannot but be Sensible of it.

When a former Governour of this Place, with his

Council, made a Present at Conestogoe to some of the Five Nations then passing that way, it was not with any view to purchase the Lands at Tsanandowa. The Governor thanks them very heartily for their offer to sell these Lands, if they are not yet purchased, but he cannot treat about them at present. William Penn's Son who was born in this Countrey is expected over here, & then he may treat with them if he think it proper. In the mean time, as these Lands lie next to our Settlements, tho' at present at a great Distance, We shall take this Offer as a Proof of their Resolution to Keep them for him.

This is what the Governour has at present to say about Lands, but as they are come a long Journey to visit us, He gives them as our Friends & Brethren these Goods now laid before them, desiring that of the 5 Guns one may be given to the Chief of each of the five Nations, with three pounds of Powder & as much Lead, and the rest may be divided as they shall think proper. And we have also provided Bread, Cheese, Rum, Pipes & Tobacco, for their Support in their Return.

The Governour doubts not but they are fully convinced of our Friendship and Regard to them, and that they will Consider their Reception here as a Proof of it. The Governour recommends to them to notify the Chiefs of the five Nations what passes between us, that it may be Kept in perpetual Remembrance.

4th July, 1727.

Second Speech to the Chiefs of the Five Nations Indians.

THE GOVERNOUR, IN ANSWER TO WHAT they had proposed last Night spoke as follows:

To their 1st Speech: The first great Governour of this Place took Care to fix the Covenant Chain be-

tween himself & the Indians, & he & his People have always kept it bright on their parts, & are desirous it may ever be continued the same in the Manner they have mentioned between our Children & theirs forever, and the old men are desired to acquaint their young People with this as they grow up, that all our Posterity may know what their Fathers have agreed to.

We know of no ill News at present, there is no Danger of any War in these Parts. When we can inform the five Nations of any thing worthy their Knowledge we shall acquaint them; there is a great Talk of War in Europe, but now both the English & French are on the same Side.

To the 2d: As to Trade, they know 'tis the Method of all that follow it to buy as Cheap and sell as dear as they can, and every Man must make the best Bargain he can; the Indians cheat the Indians & the English cheat the English, & every Men must be on his Guard.

As to Rum, we have made divers to prohibit it, & made it lawfull for an Indian to stave all the Rum that is brought to them, for they carry it privately out of Town without the Governours Knowledge; But the Indians are too fond of it themselves, they will not destroy it. We desire them not to seize any for that is not lawful, but that they would break the Casks and destroy it.

To the 3d: They may assure themselves that the English ever have been & are their constant Friends, & therefore that they have nothing to fear from their Fortifications; Of these made by the French, that they are so remote from us that we Know nothing.

To the 4th: We have not hitherto allowed any settlement to be made above Pexton, but as the young People grow up they will spread of Course, yet it will not be very speedily. The Governour, however, will give orders to them all to be civil to those of the five Nations as they pass that way, tho' it would be better

if they would pass Sasquehannah above the Mountains. And the sale of Rum shall be prohibited both there & at Alegany, but the Woods are so thick & dark we cannot see what is done in them. The Indians may stave any Rum they find in the Woods, but, as has been said, they must not drink or carry any away.

The Governour added, that as they were now preparing for their Return, and we were to take Leave of each other, He had in consideration that Powder & Lead was of the greatest use to them in their hunting, and that both these were scarce & dear, he had ordered their Quantity to be increased, then their Rum and Provisions were delivered to them, with a particular Charge that they should not touch with any of their Liquor till after their Departure from hence, for that while they staid they should be provided for here.

5th July, 1727.

Address of Loyalty to George the Second.

TO HIS MOST EXCELLENT MAJESTY GEORGE THE SECOND, by the Grace of God, King of Great Britain, France & Ireland, Defender of the Faith, &c.

The Humble Address of the Lieutenant Governour of the Province of Pensylvania, & Counties of Newcastle, Kent & Sussex upon Delaware, and Council of the same.

MOST GRACIOUS SOVEREIGN:

Tho' the peculiar Indulgence of Heaven to the British Nation, In calling it the most Illustrious House of Hannover to the Possession of its Throne, could not but deeply affect with the Sincerest Gratitude every honest Subject, who had the Safety, true Interest, & Honour of their Country at heart, in being made

Sharers of so continued a Series of Blessings Show'd down on them thro' the wise & just Administration of Your Royal Father; Yet with Hearts more dilated & Joy more extensive, do we behold His Royal Issue in Your Majesty's Sacred Person succeed to the same Throne, as the Surest Pledge of the Divine Will to perpetuate with a happy Increase, the same Mighty Blessings to all the British Dominions, in Yourself and Your Posterity forever.

Your Majestys most Consummate Prudence- so largely shewn in your whole Conduct, while only our Prince, and that Cordial Affection, yourself & most Excellent Consort on all occasions expressed to those over whome Heaven designed you should reign, together with the repeated Assurance You were graciously pleased to give, by the first & earliest Opportunities of your Purpose to make the Happiness of your People the only Rule of your Government, must so firmly unite the Hearts of all your Subjects to your Sacred Person, & so fill them with Excess of Joy, that nothing can add to their present Happiness, but the just Hope & Expectation that every Day, under so auspicious a Reign, will administer fresh Occasions to strengthen & yet more firmly establish the same.

Of these inestimable Blessings, dispensed by Divine Providence through Your Royal Hands from the Treasuries of Heaven, whose infinite Goodness therein We most humbly & gratefully adore; We in the Recess of your Dominions being duly Sensible, tho' in a remote Sphere, yet with Hearts as Loyal and full of a sincere Affection as can animate those who move in the nearest to your Glorious Rayes. doe gladly Embrace this Opportunity, by the only method in our Power to lay ourselves at your Royal Feet, & with Hearts prostrate to Heaven implore the Sole Fountain of all Blessings to pour down the Choicest, the best & most solid on your Sacred Head, on your beloved Consort our Gracious

Queen, & those darling Pledges of Your Mutual Affection & of the Nations Happiness, Your Royal Issue, of whom We heartily pray there may never be wanting one equally stock'd with the Virtues of the August Hannoverian Family in all Ages to come to strengthen & adorn the British Throne.

19th Octobr., 1727.

Congratulatory Address to the Assembly.

MR. SPEAKER AND GENTLEMEN OF THE
House of Representatives:

At your first Meeting after the Election, you had the opportunity of expressing your Zeal & Affection, in the Name of the Inhabitants of this Province, to His Most Excellent Majesty King George the Second, upon His Happy Accession to the Throne of His Royal Ancestors: And now being mett on your Adjournment from that time to proceed on the Business of the Country, I must in the first place give both myself & you the Pleasure of observing the Harmony & Unanimity, which have appeared amongst People of all Ranks on that great occasion, where the only Contention is, who shall be most forward in expressing an entire Satisfaction in that happy Establishment to which they owe every thing that's dear to a free People, with a full Dependance on His Majesty's Care for supporting them in their highest & greatest Concerns; And as this certainly procures Peace at home, & will best secure the British Interest abroad, it may justly be looked upon as the happy Presage of a Reign equally glorious to His Majesty, and beneficial to all His Subjects.

And therefore I shall not in the least doubt of our following this great Example of our fellow Subjects at home, in pursuing the Ways of Peace, Concord & Amity, as the only sure means of procuring and con-

fining to ourselves and Posterity, a solid & lasting Blessing on our honest Endeavours.

My Conduct hitherto, I am perswaded, will witness for me that I have no private Views of my own nor Ends to gain, and that I have had nothing more at heart than the real Interest of the Colony. Were not this my indispensable Duty, as well as Inclination, I am strictly enjoyned by our worthy Proprietors to do everything that lies in me to promote the true Interest of the Province; And I take this opportunity again to assure you, I shall always, while I have the Honour to be at the Head of the Administration, find a most sensible Pleasure in concurring with you in every thing that may conduce to the true Benefit & Advantage of the good People you represent.

What the Service of the Public Requires will naturally fall under your Notice, I shall only here recommend to you Unanimity & Dispatch in all your affairs. & what further may occur shall be communicated to your House by Message.

23d Janry, 1728.

Introductory Speech to the Assembly.

MR. SPEAKER & GENTLEMEN OF THE
House of Representatives:

Tho' I have resolved never to interfere with the Proceedings of the House of Representatives, in which concerns their Privileges, of which you are most certainly the Judges, yet the last breaking up of the house has given me no small Uneasiness. I shall, notwithstanding, on your present coming together again by my Summons, recommend it to you all to fall on the most pacifick measures that may be thought of making up this Breach, with a due Regard to the Rights and Privileges of the House, which I hope you will all be equally careful to Support & Maintain.

But you will find it absolutely necessary from some late unhappy occurrences in this Province, that all needless disputes which might retard your Consultations, should now be laid aside.

On Friday last the 10th instant, in the morning, I received an Account from the Iron Works at Mahanatawny, that some strange Indians very well armed, had fallen in amongst his Majesty's Subjects in that neighbourhood, & had been guilty of such Violences that some of our people believed it incumbent on them to know who they were & what was their business. They endeavoured to treat with those Indians in the civilest manner, upon which they were attack'd, and hostilities immediately passed between them, to the wounding of divers of our people, & not without some Execution, as 'tis believed, on the others.

On the first account I immediately prepared to visit these parts and with divers Gentlemen, who Kindly accompany'd me, some of whom have herein proved very Serviceable to the Publick, I sett out in a few hours & found the Country under very great Terror & Surprise, but this was gradually dissipated, & the People hearing of no more Enemies (those first being gone off) began to be appeased, when we were again alarmed by a fatal accident, in the Murder of three harmless Indians, a young man & two women, of our own friendly Natives, who were most inhumanely knock'd on the head by three or four of our own people, & this without any manner of Provocation from the Sufferers that I could possibly learn, of all which you may have a more particular narrative if desired.

On this last information, I immediately caused a Hue & Cry to be issued for apprehending the murderers, three of whom were taken, & are now in Chester goal, but another no less deep in the guilt, when I left the place, was not found.

Hearing of some others of our Indians, who were not

far from that neighbourhood, I call'd them in to acquaint them with this unhappy accident. Care is also taken to give the deceased a decent Burial; but as the murdered persons were all related, as I am informed, to some of our Indian Chiefs, we cannot expect but that so barbarous a fact must be resented. I have taken all the measures in my power, that on the best advice could be thought proper to prevent the worst impressions on them, or remove them, if made, & as I am enabled, shall proceed in whatever shall be thought rationally practicable for that End, I have already desired as many of those Indians, as I could find by messengers to reach, that they would meet me, next Week at Conestogoe, where I have appointed as general a Treaty as can be compass'd in that time, for you will agree, I believe, that in these Cases Delays ought by all means to be avoided.

But there is further absolute Necessity that messages with some small presents should be forthwith dispatched to Divers other Parts of the Countrey, especially up the River Delaware, who ought by all means to be seasonably informed of the real Truth of these matters, to prevent all misunderstanding from these Quarters.

I am also further to acquaint you, Gentlemen, that last night I received advice from Conestogoe by the Return of an Express I had sent from hence thither on Friday last, that some of the Chief of the Five Nations are to be here with us at Philadelphia on a friendly visit, of which good uses may be made, seeing all our Indians of these parts have an Entire Dependence on those Nations.

That these proceedings, Gentlemen, most necessarily occasion an Expence you cannot be insensible, but when the unhappy Consequences of any misunderstanding with these people, & the dire Effects of such Quarrells are considered, you will undoubtedly allow it to be of

the highest prudence to prevent, by an early & sensible Application of a proper remedy, the Calamities that others of His Majestys Subjects have been distress'd with in some of their American Colonies, I therefore must seriously recommend it to you, Gentlemen, that without any Delay on any Pretence whatsoever, you would in behalf of the Country, by whom you are entrusted, assist me with your Advice, and make such Provision as may enable me effectually to put in practice those necessary measures I have already mentioned for establishing the publick peace, and you may assure yourselves I shall decline no toil or fatigue on my part, that may contribute to so good an End.

15th May, 1728.

Proclamation for Securing the Peace of the Province.

BY THE HONOURABLE PATRICK GORDON, Esqr., Lieutenant Governour of the Province of Pennsylvania & Counties of Newcastle, Kent & Sussex, upon Delaware.

A PROCLAMATION.



WHEREAS, by the especial Favour of Divine Providence & its Blessings on the Endeavours of our late Honourable Proprietor, and the first Adventurers with him, in the Settlement of this Colony, the Inhabitants thereof have hitherto enjoy'd a continued Course of Peace & Tranquility, secured from all Hostilities, either by Invasion or Insurrection: To which nothing under the Divine hand has more effectually contributed, than the prudent Care that was then taken by the Proprietor, to Enter into a firm Alliance & Sincere Friendship with all the Indian Natives

at that time a numerous People. AND WHEREAS, by the several Treaties then made, it was specially provided & agreed, that the said Natives should be considered in all Dealings, & Converse with them as our Friends & Brethren without Distinction; And by the like Care in the Government, the Same Treaties have from time to time been continued & confirmed, & by the sober & prudent Conduct of the ancient Settlers & their Successors, the first Established Friendship has been hitherto without any Interruption Supported & maintained, to the great Benefit, as well as Honour & Reputation of this Government & its European Inhabitants, as also of the said Natives, who have not to this time been guilty of any Failure or Breach on their Parts of the said Treaties. BUT WHEREAS, by Reason of some rude Insults from a few strange Indians, who had ranged amongst our Inhabitants some Actions tending to Hostilities ensued; Whereupon the People assembled themselves in Companies, under an Apprehension that those Robbers might be followed by much greater Numbers. And since these Motions, a most barbarous Murther has been committed by some ferocious Men on the Bodies of three harmless & quiet Natives, our Friends; for which the Malefactors have been happily seized and are in safe Custody, in order to be tried & suffer condign Punishment. NOW for Prevention of all further other Breaches of the Established Friendship between us & the said Natives, I do, by Virtue of the Powers & Authorities to me derived from the Kings sacred Majesty, & the Honble the Proprietors & Governours in Chief of this Province & adjacent Counties, hereby strictly Charge & Command all and Singular His Majesty's Subjects, the Europeans of whatsoever Nation they be, who reside in the said Province or Counties, that on no Pretence they abuse any Indian Native of the Nations around us, vizt: the Delaware, Conestogoes, Ganawese, Shawanese, Min-

goes or those of the Five Nations, or any other coming and demeaning themselves peaceably amongst us, but that on all occasions they treat all the said Indians with the same civil Regard that they would an English Subject; And that by all means they avoid that unbecoming Practice of expressing or Shewing their weak unhand-some fears, by which they greatly expose themselves to Remarks that are dishonourable. But because, on the late Alarms, Apprehensions have been raised of Insults from foreign Indians: To the End, that the Inhabitants may not in any such Case (should it unfortunately happen) be unprovided. I do hereby Direct & Require all His Majestys Leige Subjects within the said Province & Counties, that they be at all times duly furnish'd with suitable Arms & Ammunition for their Defence, to be used in case of real Necessity by the order & Direction of proper Officers, who shall be duly appointed for that Purpose. And that they fail not to appear with them in proper Time & Place, if there should be Occasion to use them, in Defence of themselves, their Families & Country.

Given in Council at Philadelphia, under my hand & the Great Seal of the said Province, the Sixteenth day of May, in the first year of the Reign of our Sovereign Lord George the Second by the Grace of God, over Great Britain, France & Ireland, King, Defender of the faith, &c., Anno Dom. 1728.

GOD SAVE THE KING.

Speech before an Indian Council at Conestogoe.

MY FRIENDS & BRETHREN:

Your are sensible that the Great William Penn, the Father of this Countrey, when he first brought his people with him over the broad Sea, took

all the Indians and the old Inhabitants by the hand, & because he found them to be a sincere honest people, he took them to his heart & loved them as his own. He then made a strong League & chain of Friendship with them, by which it was agreed that the Indians & the English, with all the Christians, should be as one People.

Your Friend & Father Wm. Penn still retained a warm affection for all the Indians, & strictly commanded those whom he sent to govern this people to treat the Indians as his children, & continued in this kind love for them until his death.

His sons have now sent me over in their stead, & they gave me strict charge to love all the Indians as their Brethren, & as their father William Penn loved you. I would have seen you before this time, but I fell sick soon after I came over, & continued so till next Spring. I then waited to receive some of the five Nations who came to see me at Philadelphia, & last Fall I heard you were all gone out a hunting.

I am now come to see you, and to renew the ancient Friendship which has been between William Penn's People and you. I was in hopes that Sassoonan & Opekasset, with their People, would have been likewise here, they have sent me kind Messages & have a warm Love for the Christians. I believe they will come to me at Philadelphia, for since they could not gett hither I have desired them to meet me there.

I am now to discourse with my Brethren, the Conestogoes, Delawares, Ganawese & Shawanese Indians upon Susquehannah, & to speak in Love to them.

My Brethren:

You have been faithfull to your Leagues with us, your Hearts have been clean, & you have preserved the Chain from Spotts or Rust, or if there were any you have been carefull to wipe them away; your Leagues with your Father William Penn, & with his Governours

are in Writing on Record, that our Children & our Childrens Children may have them in everlasting Remembrance. And we Know that you preserve the memory of those things amongst you by telling them to your Children, & they again to the next Generation, so that they remain stamp'd on your Minds never to be forgott.

The Chief Heads or Strongest Links of this Chain I find are these Nine, vizt:

1st. That all William Penns People or Christian, and all the Indians should be brethren, as the Children of one Father, joyned together as with one Heart, one Head & one Body.

2d. That all Paths should be open and free to both Christians and Indians.

3d. That the Doors of the Christians Houses should be open to the Indians & the Houses of the Indians open to the Christians, & they should make each other welcome as their Friends.

4th. That the Christians should not believe any false Rumours or Reports of the Indians, nor the Indians believe any such Rumours or Reports of the Christians, but should first come as Brethren to enquire of each other; And that both Christians & Indians, when they hear any such false Reports of their Brethren, they should bury them as in a bottomless Pitt.

5th. That if the Christians hear any ill news that may be to the Hurt of the Indians, or the Indians hear any such ill news that may be to the Injury of the Christians, they should acquaint each other with it speedily as true Friends & Brethren.

6th. That the Indians should do no manner of Harm to the Christians nor their Creatures nor the Christians do any Hurt to any Indians, but each treat the other as their Brethren.

7th. But as there are wicked People in all Nations, if either Indians or Christians should do any harm to

each other, Complaint should be made of it by the Persons Suffering that Right may be done, & when Satisfaction is made, the Injury or Wrong should be forgott & be buried as in a bottomless Pitt.

8th. That the Indians should in all things assist the Christians, & the Christians assist the Indians against all wicked People that would disturb them.

9th. And lastly, that both Christians & Indians should acquaint their Children with this League & firm Chain of Friendship made between them, & that it should always be made stronger & stronger & be kept bright & clean, without Rust or Spott between our Children and Childrens Children, while the Creeks and Rivers run, and while the Sun, Moon & Stars endure.

And for a Confirmation on our Parts of all these Several Articles, We bind them with these Several Parcels of Goods, vizt:

| | |
|-----------------------|---------------------|
| 20 Strowd Matchcoats, | 1 Cwt. of Gunpowder |
| 20 Duffells, | 2 Cwt. of Lead, |
| 20 Blanketts, | 500 Flints, |
| 20 Shirts, | 50 Knives, |

After which the Governour proceeded & said.

My Brethren:

I have now spoke to the League and Chain of Friendship, first made by your Father William Penn with your Fathers, which is confirmed. I am now to acquaint you with an unhappy Accident that has afflicted me & all good People amongst us, and we lament & mourn with you on the heavy Misfortune.

About forty days agoe we heard that the Trechtweys were coming as Enemies against this Countrey. I believe it is false, for we never hurt the Twechtweys; And about eighteen Days since I received an Express from the Iron works at Mahanatawny, acquainting me that Eleven forreign Indians, painted for War, & armed with Guns, Pistoles and Swords, were come amongst

our Inhabitants, plundering them & taking away their Provisions by Force, whereupon some of our People, to the number of twenty men, with Arms, went to speak to them Civilly but the Indians fired upon them & wounded some of them; Our men likewise fired on the Indians & wounded some of them also, but the Indians fired first. It was very ill done to fire.

As soon as I had this Account I took horse and went to Mahanatawny with several Gentlemen of Philadelphia, but the Indians had gone off. I found our People believed there were more coming, and therefore some Hundreds mett together with their Arms to defend themselves in case the Indians should attack them.

As I was returning home I heard news that grieved me exceedingly. I was told that two or three furious Men amongst us had Killed three or four Indian Friends & hurt two Girls. I went back mourning, & sent out Men to take the Murtherers, who were accordingly taken, & they are now in Irons in a Dungeon to be tried by the Laws of the Great King of all the English, as if they had Killed so many of his own Subjects. I have likewise caused Search to be made for the dead Bodies, & two Women were found murdered, who by my order were laid in a Grave and covered with Shirts & Strowds. I hear likewise that the dead Body of an Indian man has been found & is buried.

You Know there are wicked People among all Nations; there are ill People amongst you, & you are sometimes forced to putt them to Death. The English are a great People, & there are likewise wicked men amongst them. I mourn for this Misfortune, & will do all I can to comfort the Relations of the Dead when I see them, which I hope will be at Philadelphia with Sassoonan & Opekasset.

About eight months agoe I received an account that an English man was Killed by some Indians, at the House of John Burt, in Snake town. I heard John

Burt was very abusive to the Indians, and I sent to apprehend him, but he fled; if he can be taken he will be punished. But since there was a Man Killed, we expect the Indians will doe us Justice by apprehending the Murtherers that they may be punished, for we must be just and faithfull to each other, that this Spot may be wiped away & the Chain be kept bright & clean.

You know, My Brethren, that one Link of the Chain is, that when the Indians are uneasy they should tell it to us, & when we are uneasy we will tell it to them. I therefore desire your Hearts, may be open, that I may know if you have any Cause of Grief which I will endeavour to remove, for I am your Brother.

I have issued a Proclamation requiring all our People to use you well which shall be read unto you before I goe away. I will prevent any Hurt being done to our Friends the Indians, because those who do not behave themselves agreeable to what is therein commanded, will be severely punished.

26th May, 1728.

Speech to the King of the Delaware and Other Indians.

MY FRIEND & BROTHER SASSOONAN OR AL-lummapees:

I was glad to see you at my house last year, & am now glad to meet you with your Relations, being always pleased to see the sober & good People amongst the Indians, as my Friends & Brethren.

When your Great Father William Penn's Children sent me hither, they commanded me to love & be kind to the Indians as their Brethren, & therefore I intended soon after I crossed the great Sea, & came hither to have seen the Chiefs of all our Indians, but was prevented by Sickness & Business. This Spring I pro-

posed to meet them all at Conestogoe, & when I heard that Civility & the People of that Place were returned home, I appointed a Meeting, at which I desired the other Chiefs might be present, that we might all together, as Friends & Brethren, renew & strengthen the Chain of Friendship which your Father William Penn made with all the Indians of this Province, that it may be Kept bright forever.

About ten days since I mett the Indians of Conestogoe, the Shiwawese, Ganawese, & divers of the Delawares at Conestogoe town, we then opened our Hearts, we spoke as Brethren & Friends, we brightned the Chain & made it strong, that it might last & continue firm, while the Sun & Moon endure.

I am sorry that my Brother Sassoonan had not notice early enough to be there with his People, but I say again, I am glad to see you now here.

We then went over all the Heads, the strong links of the Chain made between your Father William Penn & the Indians, we keep them in writing, that they may be had in everlasting Remembrance, the Indians also keep them in their Memory & in their Hearts, they tell them to their Children, & these tell them again to their Children, that from Generation to Generation they may be remembered forever. These are the Chief Points of those Treaties that were first made by William Penn with your Fathers, & have since from time to time been confirmed.

And after a Confirmation on our Parts of all those Articles, we bind them with the following Goods.

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| 10 Strowd Matchcoats, | 2 dozen Knives, |
| 5 Blankets, | 2 Dozen Scissors, |
| 5 Duffells, | 2 dozen Tobacco Boxes, |
| 10 Shirts, | 2 dozen Tobacco Tongs, |
| 25 Pounds Powder, | 1 dozen Looking Glasses, |
| 60 pounds Lead, | 1 Pound Vermillion. |
| 100 Flints, | |

My Friends & Brethren:

I have now spoke to the League & Chain of Friendship first made by your Father William Penn with your Fathers. You have kept it well, your hearts have been clean & clear from Spott, or if there was any you have wiped it soon away. William Penns Children & People have also kept the League. Every Governour who was here in William Penns Place has been kind to them, & all good Christians have loved them. But great Numbers now come in amongst us; there are some bad People amongst all Nations, & there are some amongst us who love Lying & to Committ Wickedness. These are not such good People as William Penn brought over with him, they are loose & idle. The Children of your Father William Penn, the Governour, & all in the Government, will always love every good and sober Indian as their Brethren & Friends.

You have heard, my Brethren, that some Shawanese about twenty days agoe came from about Pechoquealin, armed with Guns, Pistols & Swords, & painted for War, they fell in amongst some of our Inhabitants and behaved themselves foolishly; Our People thought them strange Indians & Enemies, and believed there were much greater Numbers behind in the Woods, they mett together with Arms to defend themselves. But, I now mourn with you the unhappy Accident that followed by the Madness of these furious wicked men, who could so inhumanly destroy our good Friends & their quiet peaceable Neighbours. The first News of it wounded me deeply. I was then returning to Philadelphia, but I went back again, I ordered the Murthers to be apprehended & the Bodies of our two dead Friends sought for. My officers with many People found two & buried them, covering their Bodies with Shirts & Strowds, which I sent for that purpose. The Criminals are now in Dungeons with Iron Chains on them, & they

are to be tried in about fourteen days at Chester, by the Laws of our Great King, in the same manner as if they had Killed any of his Subjects & our own People, for by our Leagues of Friendship we & the Indians are as one, and we make no Difference. He that kills or hurts an Indian, kills or hurts our Brother, we feel it as done to one of ourselves & must punish it accordingly. We mourn with the Relations, all good People mourn with them, and we now give these few things, vizt: three Strowds, three Blankets, three Duffells & three Shirts, to cover the dead Bodies again, & these six Handkerchiefs to wipe away their Tears. We give them not as the Price of Blood, or to make Satisfaction for the Death of our Friends. Justice must be done according to our Law, & we give these only as a Mark of our Grief, that the Relations may be the more easy in their Minds, that they may Know we grieve with them, & that they may be comforted.

My Friends & Brethren:

You now see we carefully observe our Treaties on our Parts, but you are to consider this Country is full of People, we have many weak & some wicked People amongst us, these last must be punished by the Law. The Indians have sometimes wicked People amongst them & they putt them to Death; this is the utmost that can be done, but the Hearts of all good People amongst the Christians, & amongst you the Indians, will always be true, we shall always love one another, our Leagues are to continue to all Generations.

4th June, 1728.

Speech to the Chiefs of the Delaware and Five Nations
Indians.

I WAS TROUBLED TO HEAR ALLUMMAPEES was sick, but am glad to see him well recovered, tho' he comes latter than was expected; but Sick-ness & Health are not in our Power. God over rules all things.

I am very well pleased with all that was said yesterday; it was spoke from the Heart of a Friend & Brother, in true Love. Words are of no Value in themselves, but as the Heart uttereth them. The Governour takes them as the Words of his Brother's Soul or inward Mind, in behalf of all his Brethren, & as such they shall be kept by us in Writing, that they may be remembered forever.

As you are now come, tho' few in Number, yet in the Name of all the Delaware, Shawanese & Mingoes amongst us, to declare your Friendship, & their resolution to live in Peace unto the Christians forever, I will again goe over the Links of the Chain made between William Penn & you, which I repeated to my Brethren at Conestogoe in the Summer, that they may be the more fresh in your Minds, because you have no Writing amongst you, & I desire that you may repeat them over & over again to your Children, & to all your People, & to all the Indians that live amongst you, that you may have them at all times stamp'd on your Hearts and fixed in your View.

Here the nine Articles or Links of the Chain, as in the Treaty held at Conestogoe, were briefly repeated.

Then the Governour proceeded & said.

My Brethren: -

By those you see that we & you are as one People; we treat you exactly as we do our own People; we punish those that hurt an Indian, as if they had hurt ourselves. You know those two who killed the Indians

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last year, were put to Death as if they had killed Christians; therefore the Indians must make no Difference, they must treat the Christians that come amongst them as their Brethren, or as themselves, with Love and without Quarrelling. And if any Indian should be angry, & have any Ill in his heart towards a Christian, you must seize him & hinder it; but if any Mischief be done, you must take Care that the Indian be punish'd for it, that we may have the same Justice as if a Christian had done the wrong. Therefore you must use your Endeavors that the Indians who killed the white man last year at Pextang, tho' they were of another Nation, may be apprehended if they come amongst you.

And if any Christian do Injury to an Indian, you must, as Brethren, come & complain of it; but if it be remote in the Woods, you must apprehend the Man that did the Wrong, & deliver him to me, that the Offender may be punished for it according to our Laws, which will suffer no man to hurt another.

I accept kindly of your Present, & in Return give you the following Goods for your Winter Clothing, to keep you warm, with some Powder & Lead to hunt with, & Provisions to support you in your way home, wishing you heartily a good Journey.

11th Octobr., 1728.

Introductory Speech to the Assembly.

MR. SPEAKER & GENTLEMEN OF THE HOUSE
of Representatives:

I am perswaded you will not think it proceeds from any Disregard to your Message to me at your last Adjournment, that your present meeting has not been appointed in some other place than this City, in which your Members had been indecently treated; For, as

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ever since my Arrival amongst you it has not only been my Inclination, but fixed Purpose, to devote myself to the Service of the Country committed to my Care, I should take a much greater Pleasure in attending that Service with the People's Representatives, wheresoever their Safety & best Conveniences for the Dispatch of Business might call them, than in consulting my own Ease, or that of my Family; but having laid this matter before the Council, as the Charter Enjoyns, they are of Opinion that, considering the Severity of the Season, with the shortness of the Days, & that the Settlement of the public Accounts, which is one considerable Article of the Houses Business, can no where so conveniently be done as where the Offices are Kept, it may be more expedient to hold your Session at least for some time here, & then, if on further Experience you find Reason to continue in the same Sentiments, that another Place will be more suitable, they agree with me that you should adjourn to Chester, which, next to Philadelphia, seems the most Convenient Place for your Meeting. In the mean time, Gentlemen, I must putt you in mind that a Legislative Assembly, in Conformity to a British House of Commons, is invested with a very great Authority. I hope, therefore, you will not be wanting, as well in Regard to yourselves as succeeding Assemblies, to make all such Sensible of their Error who shall dare to treat it with any Indignity, in which you shall have my ready Concurrence, if necessary, as you shall in every thing else that may tend to the true Interest & real service of the Publick.

It is your Zeal for that service, & our Unanimity, Gentlemen, that will most effectually contribute to extinguish the small Remains of a Faction, raised up by the Deepest Ingratitude, & cultivated by means that I hope will be of no long Duration; For, when on the one hand, I observe that the ancient Settlers, the most substantial & judicious of the Inhabitants, who are most

deeply interest'd in the Peace and Prosperity of the Country, are generally every where easie, & the dissatisfied are made up of some restless Persons amongst ourselves, joyned by other turbulent Spirits from abroad, who, having been uneasy at home thro' the meanness of their Condition, or Want of Room to display their busie Humours, tho' they have but very little at Stake, & scarce any thing but their Noise & Clamour to distinguish them, think fitt to Discharge themselves here, to the Disquiet of a good & peaceable People; And while even the most uneasy amongst these cannot point out one real Grievance in the Administration, for I am sure there shall be none that is in my Power to Prevent or remedy; when these things, I say, are considered, I see no Reason to doubt but that many of those who have been misled, will, on due Reflection, recover themselves, & see how much Union & Order are preferable to Division & Confusion, & therefore resolve to study the Ways that lead to their own Peace, as well as that of the Public; for this I conceive is the only thing wanting to render the People of Pensylvania as happy amongst themselves as any now in the Universe.

The better to effect this, I must earnestly exhort you, Gentlemen, in all your Proceedings, to exert that Courage & steady Resolution, with a becoming Gravity & Solidity, that should ever attend the Powers of Government, & those concerned in dispensing them. Government is sacred. It is from God himself, for the Punishment of Evildoers & the Praise of them that do well. As you, therefore, are one part of the Legislature, which in every Government is the Supreme, & are the Grand Inquisitors of the whole Province, I now seriously recommend it to you, to consider what Laws already in being require to be reinforced, & what new ones may be necessary to be enacted for encouraging of Virtue, Sobriety & Industry, the only means by which a Country can flourish, & for suppressing Disorders of

every kind, & more effectually securing to the People their most momentous Privileges, against every Attempt to invade them. And so far as the Execution of any of these shall depend on me, you may assure yourselves that all the Vigilance & Care shall be applied, on my Part, that may contribute to procure to us that Tranquility which every good Man & lover of his Country must sincerely wish to see Established.

What relates to the necessary Provisions for the Exigencies of the Government, with other matters that may require your attention, I shall leave to your own Consideration, and as any thing further occurs it shall be communicated to you by Messages; Only I must make Use of this first Opportunity to acquaint you, that I have now positive Orders from Britain to provide by a proper Law, against those Crowds of Forreigners who are yearly pour'd in upon us, of which the late Assembly took notice in a Message to me of the 18th of April last. Nor does this arise, as I conceive, from any Dislike to the People themselves, many of whom we know are peaceable, industrious & well affected, but it seems principally intended to prevent an English Plantation from being turned into a Colony of Aliens. It may also require our Thoughts to prevent the Importation of Irish Papists & Convicts, of whom some of the most notorious, I am credibly informed, have of late been landed in this River.

I shall now only add, Gentlemen, that as we are bless'd in a Sovereign who makes the Happiness of all his subjects the principal View of all his Reign, & in Proprietors who, I am well assured, have nothing more seriously at Heart than the Prosperity of the People who hold under them, I hope for the future, there will be no other Contention known amongst us than who shall be most forward in making suitable Returns, with gratefull acknowledgments to Heaven for the vast Privileges we Enjoy.

17th Decr., 1728.

Message to the Assembly Concerning a Bill for the
Issue of Paper Money.

GENTLEMEN:

During your Recess I have very seriously & carefully considered your Bill for emitting more of our Paper Currency, and as it is a subject that has thoroughly employed my Thoughts, I shall deliver them to you in the plainest manner. That there is occasion for more of that Currency amongst us I am fully perswaded, and I heartily wish there were no Objections against making a reasonable addition to it immediately: but there are some which so nearly affect the very Being of our Currency, that I cannot believe by the Tenour of this Bill, that they have as yet been sufficiently considered.

You cannot be unsensible, Gentlemen, that Publick Business in Britain is transacted by proper Councils & Boards, appointed by his Majesty, for managing the several Branches of it, & of what regards these Plantations the Board of Trade has the general Directions; Agreeable to their Reports or Representations, all his Majesty's Orders that relate to us are issued, for they are his Council for such affairs, as his Privy Council is for those of Government. Their Orders, therefore, are to be considered as coming from his Majesty himself, for those from the Throne have scarce ever, I believe, been known to vary from Reports or Opinions of that Board.

Now it ought to be remembered, that having received a Letter from their Lordships but two days before a former Assembly mett, on the 14th of October, 1726, in discharge of my duty, I communicated it to that House, and afterwards furnished them with a Copy of it, & in case that should not be at hand I now send you another. By this Letter you will perceive that the Secretary of the Board, by command from their Lo'ps, having

recited the Titles of four Several Acts of this Province relating to our Paper Currency, expressly says, that "If any further Acts are pass'd for Creating more Bills of Credit than those already issued, their Lordships will certainly think themselves obliged to lay them before his Majesty for his Disallowance.

If from the preceding Words in the same Paragraph, where it is said, that if it were not out of Tenderness to those Persons into whose hands the Bills Issued in Pennsylvania may have passed, their Lordships would lay the aforementioned Acts before His Majesty to be repealed, it should be presumed, that the same Tenderness may again prevail on their Lordships, We should also consider that the same Board caused an Act for a Paper Currency, pass'd not many years since in Barbadoes, to be repealed after the Bills were actually emitted and passing through the hands of the Subjects, to the unspeakable Loss, as I have been informed, of the Inhabitants of that Island. And if a Plantation of so much Importance to the Crown, and so much valued by it as Barbadoes, was used with such Severity, it will require us very seriously to consider what we may expect here, after we have had plain Warning.

That their Lordships' Apprehensions of the inconveniences of attending such Bills of Credit in this Province arise from some Misinformation or Mistake, I endeavoured to show their Lordships in my Letter to their Board, Dated the 15th of December, 1726, of which a Copy was communicated to the Assembly then sitting, & is in Print. But the agent to whom that House sent it, from his doubt of the success, as it appears by his answers, has not it seems had the courage to present it, which ought to be a further addition to our Caution.

It is therefore absolutely necessary Gentlemen, that we should very seriously consider what means we can use that a reasonable expectation of Success can be founded on, to procure any addition without hazarding

the Loss of the Bills after they are dispersed into the hands of the people as so much real money; for whatever our Hardships now are, such a Loss would prove infinitely greater, & plunge us in the utmost Confusion.

As for my part, I am so fully convinced of the conveniences that would attend the further emission of such a moderate addition to our Currency as would not endanger the sinking of its Credit, that I shall as willingly promote it as any man who would think himself oblig'd to give a rational account of his Conduct; but this can never be, without showing a due deference to the Royal Authority under which we have the great happiness to live, & from which we derive all our protection.

It is our glory as well as happiness, I say, that we are subjects to the Crown of Britain, under which and the Proprietor we enjoy all our vast privileges. And as the whole Country seems unanimous in what is now before us—the Desire of an addition to our Bills of Credit—& I have the pleasure to observe there is not one person I advise with, who agrees not with me in the same real inclinations to promote it, let us therefore all endeavour, with the like unanimity, to obtain what is proposed by methods truly worthy of rational men and dutifull subjects, for by such means alone we can expect the desired success.

But in order to render this practicable, I must Observe that the Sum must be moderate & not too large. Sixty thousand pounds for the whole Currency of the County is thought to be the utmost we should crave.

To prevent its sinking in Value, the Interest ought to be continued the same as before. Five per Cent. is very moderate, and less will be disadvantageous to its Credit.

The term in the Bill for repaying it appears too long. I would propose, if a Method can be found to include the whole Currency in one Act without Hazard, that

it should continue re-emitting for ten years, & then sink in ten years afterwards; the Accounts may be thus most easily & clearly kept, as I am assured by those who have had the most Experience in them, and you are sensible the Country would be freed by it of a considerable Charge as well as Trouble, for the future.

But in order to remove Objections against it in Britain, as well as to be just, some particular Provisions ought to be made for all sterling Payments; for while these are affected by the Bill, or the Consequences of it, we may ever expect Opposition at home, which by this Provision might perhaps be totally removed. And common Justice will tell us, that every Man ought to have the Real Value of what he bargained for without being injured by Law, which should secure Men's Rights & not abridge them.

The Bill having been considered by Paragraphs in Council, some further Amendments are made which may be of Use when those most momentous Points are concluded, in the mean time I herewith send them.

When it is drawn clear of such material Objections, I doubt not but when I, with the Council, Assembly, & all the Merchants & Gentlemen of Note in the Place, whose Concurrence I hope is fully to be depended on, shall universally joyn in a humble Representation to His Majesty & to his Council, for us, vizt: The Lords Commissioners for Trade & Plantations, to be negotiated by a proper Agent, furnished with a sufficient Sum of Money from hence, we may then with good Reason hope for the Royal Approbation to the Act, or at least that it shall not be repealed, & then we shall be secure. And this I most Earnestly recommend to your further serious Consideration.

25th March, 1729.

Proclamation for Suppressing all Riots and Disorders.

BY THE HONOURABLE PATRICK GORDON
ESQR., Lieut. Governour of the Province of Pen-
sylvania & counties of Newcastle, Kent & Sussex,
upon Delaware.

A PROCLAMATION.



WHEREAS, several dissolute & disorderly Persons, press'd by their necessitous Circumstances, do daily crowd into this Province, as well from Parts beyond the Sea, as from our neighbouring Colonies, & bringing with them Dispositions incompatible with that good Order, Peace and Unanimity which are acknowledged by all rational Men to be the foundation as well as Glory of all Civil Societies, & fomented by some restless Persons amongst ourselves, disaffected to the Peace & Prosperity of this Government, endeavour to raise heats & animosities amongst the Inhabitants, instead of that mutual Love & Benevolence which has hitherto, under the Divine Providence, been their Protection, & for which this Province has till of late years has been remarkably conspicuous, since its first Settlement under our late Honourable Proprietor, from whom, under His Majesty, we derive all those Liberties & Privileges which have raised the Reputation of this Province, & endeared to us the Memory of our Honourable Founder. These Persons, actuated by such Principles & encouraged by such Incendiaries, setting at naught the Just Powers of Government and the obedience due thereto, have had the assurance even to menace some Members of the Representative Body, now mett in Assembly at Philadelphia, as well as private Persons, to the disturbance of the Peace & Delay of the publick Service, as has been fully represented to me by an Address from that House,

declaring their Abhorrence of such Practice, & praying that the Laws now in Force in England against Riots may, pursuant to a Law of this Province, be vigorously putt in Execution; THEREFORE, being firmly resolved to proceed with all due Severity against such Offenders, their Aiders & Abettors, I have thought fitt by & with the Advice of the Council to Charge, & I do hereby strictly charge and command all persons whatsoever within this Province, & particularly within the City of Philadelphia, that they carefully Keep His Majesty's Peace within the same. And for that End I hereby strictly charge & Require the Mayor, Recorder, Magistrates & other Officers of the City of Philadia, all justices, Sherifs, Constables & other Officers within the Province of Pennsylvania, to whom the Conservation of the Publick Peace doth more immediately belong, to be vigilant & carefull in the Discharge of their respective Duties, & in case of any Riots, Tumult or other Disorder, they immediately putt in Execution against all such Rioters, their Aiders & Abettors, the Statute made in the first year of the Reign of Our late Sovereign Lord KING GEORGE, of blessed Memory, Entituled An Act for preventing Tumults & riotous Assemblies; & for the more speedy & effectual punishing the Rioters. Hereby Enjoyning the Justices of His Majestys Peace to cause the said Act to be published at the respective Courts of Quarter Sessions for each County of this Province, and the Mayor & Recorder of Philadelphia to doe the same at the Court of Quarter Sessions for the said City. And I do moreover strictly Charge & Command the respective Sherifs in this Province, to hold themselves & their Officers in a Readiness, upon occasion given, to raise the Posse Comitatus, as the Laws of Britain in such Cases direct, to quell & reduce by Force all Tumults, Riots & Disorders which may happen within their respective Bailywicks, & the Offenders to seize & apprehend, in order to be committed

to Prison & proceeded against according to the Direction of the said Statute.

Given under my hand & the Great Seal of the said Province, at Philadelphia, the thirty-first day of March, in the second year of the Reign of our Sovereign Lord GEORGE the Second, by the Grace of God King of Great Britain, France & Ireland, Defender of the Faith, &c., Annoq Domini 1729.

P. GORDON.

GOD SAVE THE KING.

Further Remarks to the Assembly Concerning the
Paper Money Bill.

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MR. SPEAKER & GENTLEMEN OF THE HOUSE
of Representatives.

I can scarce express my astonishment upon perusing the Bill for Emitting more Paper Currency, as you have now returned it to me, when I observe there is not the least Amendment in any of the material Points mentioned in my Message of Tuesday the 25th of March conceded to, except the Abatement of the Sum from Fifty to Forty thousand Pounds, which is still greater than the most eager for a Paper Currency that I meet or can converse with, think either proper or reasonable for^{us}.

Surely you have not considered that one full half of the Powers of Legislature is lodged in me, & that I represent both His Majesty & our Goverour in Chief, otherwise I might have expected to have heard your Reason for such a Conduct. I am very sensible there are some amongst us who, on certain unjustifiable Projects, would be better pleased to see the Bill rejected than that I should have the Pleasure of doing an Act

so much for the Service of the People of Pennsylvania. But as there has always hitherto subsisted a perfect good Understanding between the Assemblies of this Province & me, since my first arrival, I hope your House, Gentlemen, will resolve effectually to disappoint all such dishonourable Views.

I have openly declared myself a Friend to our Paper Currency, & desirous to promote an Addition to it in such a manner as I can account for to His Majesty & my superiors. We are both agreed on the necessity of the thing, but unhappily differ in the manner of doing it. I am for the cautious & most secure part, for the Interest of the whole Country; and tho' I am of Opinion that the postponing the Emission till His Majesty's Royal Assent can be had to the Bill, may give great Delay, yet I believe another Expedient may be found safe & honourable for us both. You on the other hand, apprehend there is so little Danger of a Repeal, that you have even blended our present Currency with the sum to be emitted by this Bill, by which we evidently hazard both; & indeed 'tis strange that while we are endeavouring for more money, we should risque the sum we now have, & by grasping at too much we may probably loose all. For whatever Construction People are pleased to putt upon the Directions of my Lords Commissioners of Trade & Plantations, I think myself obliged to pay a due Deference to that Honble Board, as His Majesty's Council in what regards the Interest & Prosperity of His American Colonies.

There has been already too much of your Time spent to little Purpose. I am sorry, yet sue that I am not to blame for it. If it is really intended that the Necessity we are under should be relieved by a reasonable Addition to our Paper Currency, the means I think are not very difficult, in which I shall most cheerfully joyn, for I have nothing so much at Heart as giving Ease & Satisfaction to the People of this Province. But if it

should be insisted on that this Bill, in the Terms 'tis now conceived & none other, must answer the End proposed, it will be evident to all Men who will coolly consider it, that the People's Disappointment will not lie at my Door.

2d April, 1729.

Still Further Remarks to the Assembly Concerning
the Paper Money Bill.

GENTLEMEN:

I herewith send you the Bill for Emitting Paper-money, to which I shall not now make any other Objection, if you think it sufficiently guarded, than, having expected to see the Term for sinking it fixed at twelve years & a half, as I desired it, I find myself oblig'd, the longer I consider it, the more to press that it may be reduced, for these Reasons:

To have such different Terms for repaying our Bills must necessarily occasion a great Confusion in the Accounts of the office, which at best will be but too perplexed.

That usefull Re-emitting Act in granting a longer Term in this, will be of much less service to the Country, for 'tis very probable that most of the Borrowers may covet to take up Money on this Act only, while the Bills paid in on the other may lie dead in the office.

It is a general prevailing Opinion, & especially in Britain, that the lower the Interest & the longer the Term is the Money will be of less Credit; And as the last Bill for the same Sum & on the same Interest was for twelve years & a half, their Lordships of the Board of Trade will conceive this to be so much worse than the former by all that Difference, and of Consequence be so much the more inclined to disapprove it.

To which I must add, that if it be seriously considered

it will not be found so much to the real Interest of the Borrowers to have an Opportunity of lying longer in Debt, as some may imagine. For certainly it is a Disadvantage to any Man to have his Estate incumbered, if he reaps not a much greater Benefit some other way.

Upon the whole I must desire it of you, that as I am most immediately answerable for the Acts I pass, I may be made easy in them; but I can never be easy to pass an Act that shall be more disadvantageous to the Currency than any of those that have already been passed in this Province.

I take this further Opportunity, Gentlemen, earnestly to recommend to you the Dispatch of all such other Bills are necessary to prevent the growing Disorders in this Country. You cannot but be sensible how much a Provision of this kind is wanted; I desire you therefore without Delay, to enter into the further Consideration of the several Parts of my first speech to you, & while we are guarding against the Inundation upon us of such as may add to these Disorders, you cannot but think with me, that it is absolutely necessary to enable the Inhabitants on Sasquehannah to exert the Powers of Government in those Parts where great Numbers of the worst seek a shelter in hopes of Impunity in their greatest Distance from a more regular Administration of Justice, I must therefore desire, that you would also dispatch the Bill for erecting those parts into a County, agreeable to the Steps I have already made in it, that all those Bills may be passed together & be transmitted home by the Opportunity that will now very shortly offer.

6th May, 1729.

Final Remarks to the Assembly Concerning the Paper Money Bill, together with Some Valedictory Suggestions.

GENTLEMEN:

I am now to pass the Bill agreed on by us for the Emission of Thirty thousand Pounds more of a Paper Currency, about which so great & so undecent a Noise has been made in some parts of this Province, that to prevent the Insults intended by some misled People spirited up to Mischief, we were obliged to putt a late Act of Parliament in Force amongst us; What Misrepresentations have been formed—what false Notions propagated—& what Acts & Methods have been used to impose on the Inhabitants, & in some measure by whom, it cannot be supposed that I am ignorant. But I must hereupon repeat what I have divers times had Occasion to say, that no Man in the Province is more truly and sincerely a Friends to this Currency than I am, nor is there one person in my Council but who has ever appeared to me, & I am well assured, notwithstanding the unsufferable Abuses with which they have been loaded, truly is a very hearty friend to it, & crave nothing more than that we may always have it on such a footing as may render it really useful to us, by answering the true Ends of a Currency, that is, that it may ever be Kept up to the Value, or very near it, for which it was first struck, for in Proportion as it declines from this, 'tis manifest that it becomes a public Loss.

I shall also further observe that notwithstanding all the turbulent Noise that has been made, it is more owing, I have now Cause to believe, to the Endeavours of those who have unjustly been represented as Enemies to the Currency than to its pretended Friends, that we have this Bill at all. And I heartily wish that no Means may be used by any of those who were loudest

in their Clamours for it, to render the Currency fruitless to us by soliciting a Repeal: For it is but too manifest from what we have seen of late, that the Confusion of this Government is what a certain Party amongst us have Principally at Heart. As for my part, I assure you that all my interest at home with my best Endeavours, shall be applied towards obtaining the Royal Sanction to it, or at least in preventing its Repeal; with which firm Resolution I now pass this Bill for Emitting Thirty thousand pounds in Bills of Credit into a Law of this Province, desiring at the same time, that all due Care be taken to gett them well & carefully printed on good Paper, & that they may be signed in a Readiness to be issued at the time appointed.

I must further desire you Gentlemen, upon your retiring to your respective Habitations, that you would take proper Methods (for I am sure it is every good Man's Duty) to possess the Minds of the People with just Notions of Government, to animate them to Peace, Industry, & all those Virtues that make truly for their own greatest and best Interest. And at your next meeting I hope you will proceed to the Consideration of what may be further necessary to reduce us to some Degree of that Tranquility which, with a due sense of God's Favour to us, & rational Endeavours to make the best use of them, we might happily enjoy.

10th May, 1729.

Speech to the Chiefs of the Conestogoe, Ganaway, and Delaware Indians.

MY FRIENDS & BRETHREN:

Seeing your Affairs would not suffer you as you proposed last year, to make a Return to my Visit to you at Conestogoe, I am pleased to see you now here, & wish that some of the Shawanese had also

accompanied you; but since you speak for them by their Direction, & they joyn in your Present, I take what you say as if it were truly spoke by all the four Nations & as an Answer to what I then spoke.

I am glad to find by your Discourse, that you not only remember what I said to you last Spring, but also there are some yet living amongst you who can remember what your Father William Penn said to your People when he was in this Countrey, from thence you so that His Words & mine are same. He agreed with all the Indians whom he treated with in the several Points that I laid before you at Conestogoe: they were his Words, tho' spoken by me, & as I observe the old Men well remember them, so now I desire you again to repeat them over to your Children & require them to remember them & to repeat them again to their Children, that the same may be continued not only to your Children but, through all Generations & to all Ages.

By this means we shall truly continue not only Friends & Brothers, but one People, of one Body, one Mind & one Heart. We shall rejoyce together & be sorrowful together, & we shall all be the same.

I need not now say anything further to you on these Heads, for it would be only to repeat the same things, therefore I only say; Lett us remember all the good Words that have been spoken. Your Words have been good & your present is good. I take it kindly, & I return you some Goods proper to cloath you, with some Powder & Lead & Provisions for your Journey, that you may goe from hence chearfully, & make all the Indians over the whole Countrey chearfull with the Words that have been spoken; that you & they & all of us may keep the Chain bright & clear & without Spot forever.

I must add that you complained much of your suffering by Rum: many Laws you know have been made against it, but your People make all these Laws of no

Effect; they will have it; they send their Women for it to all Places where it can be had, & we can make no Laws against your drinking it; you must make these yourselves. If your Women would carry none it would be more easy; I shall endeavour however, to prevent its being carried in such Quantities.

27th May, 1729.

Introductory Speech to the Assembly.

MR. SPEAKER & GENTLEMEN OF THE HOUSE
of Representatives:

It is with no small Satisfaction I observe that the oftner I have opportunities given me by the ensuing year, of meeting the Representatives of this Province in Assembly, there appears an additional Increase of that mutual Confidence between me & them which alone can produce the Harmony wherein the true happiness of Government consists.

And on this Occasion I cannot but repeat the Notice I took at my first Entrance on the Administration, of what the People under my Care might expect from my former Engagements and Course of Life, for I cannot now doubt but my continued Endeavours to discharge my present Trust with plainness & Candour, free from any mixture of Art which I have ever been a Stranger to, has under Divine Providence greatly contributed to my Success with a People who have stood distinguished for the like Qualities amongst the rest of Mankind.

And as this Conduct therefore naturally begets a firm and mutual Dependance, I shall have the less Occasion at this time to renew to you those Assurances I have constantly given, of my Readiness to concur in whatever may Promote the real Interest & Honour of this Colony. I have hitherto demonstrated my sincere

Inclination to advance these, nor have the Assemblies in Return, been wanting on their Parts to express their Confidence in me.

And as it was truly in pursuance of this Inclination that I gave my Assent to our last Act for the Emission of Thirty thousand Pounds in Bills of Credit, so from the same Disposition I have to the utmost of my l'ower, laboured to recommend it to our Superiors at home, in such a manner as might either obtain the Royal Sanction thereto or at least secure it from a Repeal. But hitherto I have not had the good Fortune to know with any Certainty, how my Conduct is approved, or with what success the Act itself may be attended.

But as I chiefly grounded my Judgment of the Necessity of such Emission, and of the Benefit it might prove to the whole Province, upon the Confidence I had in the Justice of that Assembly's Representation, so I can with great Truth say it was from these motives that I gave my Assent to that Act, to which as I then did, I shall always most heartily wish the happiest Issue.

I need not now I hope, Gentlemen, putt you in mind of the great Advantage of Unanimity in all Publick Councils, nor how much it will contribute to the Dispatch as well as Justice of all your Deliberations. For the Consideration of the Blessings we enjoy under a most Gracious Sovereign, & under Proprietors full of Tenderness & Affection for a people whose real Happiness & Honour they are on all occasions desirous to promote, I am perswaded cannot fail of leading you through the Justest Principle of Gratitude to a sedulous & solicitous Discharge of your Duty, both to your Superiors & to those you represent.

Remarks to the Assembly Concerning the Petition of
Several Germans to be Naturalized.

GENTLEMEN:

Upon Application made to me in behalf of several Germans, now Inhabitants of the County of Lancaster, that they may enjoy the Rights & Privileges of English Subjects, & for that End praying to be naturalized; I have made Enquiry & find that those whose names are subjoyned to a Petition that will be laid before your House are principally such who many years since came into this Province under a particular Agreement with our late Honourable Proprietor at London & have regularly taken up lands under him. It likewise appears to me by good Information, that they have hitherto behaved themselves well, and have generally so good a Character for Honesty & Industry as deserves the Esteem of this Government, & a Mark of its Regard for them. I am therefore inclined from these Considerations to favour their Request, & hope you will joyn with me in passing a Bill for their Naturalization.

I have likewise received a favourable Character of John Neagley, Bernard Reser & John Wistre, of Phila. County, whose names may be inserted in the said Bill with those now recommended.

P. GORDON.

13th Janry, 1730.

Remarks to the Assembly Concerning the Re-Emission of Paper Money.

GENTLEMEN:

When I received the Message by four of your Members, by which I find a motion had been made in your House, that a Bill be brought in for Re-emitting

for the term of Sixteen years, all the principal Sums or Quotas of money that have been or shall be brought into the General Loan Office, & thereupon you desire to know what Accounts I have received touching the former Paper money Acts that have been transmitted to England, and what Success is like to attend them. Though I was at no loss then to return an Answer, yet having reason to believe you had received such Accounts both from the Proprietors & your Agent as might fully give you the Sense of our Superiors at home, by whose Judgement these Bills must stand or fall, I was desirous to see also their Letters, the View of which has rather confirmed than altered my former Opinion, which I shall now give you very freely, as follows:

How far I have been disposed to consult the Ease, to Advance the Interest & favour the Inclinations of the good People of this Province, I observed to you in my late Speech, & I hope I have from time to time given all the possible Demonstrations of this that have been in my Power, & I now not how I can at this time give you a better Proof of the same than to assure you, that from all the Lights I have received, nothing in my Judgement can be more unreasonable, nor in Effect may prove more destructive to the Interest of the Province, than to make any further Attempts whatsoever in relation to our Paper Currency; for as I conceive the least step made in it at this or any other time, till the Acts we already have are better secured, will certainly endanger the whole, & further drawn down a Censure on us from the Ministry for so precipitated a Conduct, that might prove extremely to the Disadvantage of the Province.

And as for my own Part, though I must say that I have the strongest Inclinations to gratify the Desires of the Inhabitants, when regularly handed to me by their Representatives, Yet I am sure that should I now pass

any other Act for a further Emission, I should be so far from benefitting the Countrey by it, that I should render myself entirely incapable of doing it any further Service; for I should so effectually ruin my Credit with all those about His Majesty on whom we must ever depend, that it would be in vain to apply for any Favour whatsoever for the future, & therefore I shall never on any Consideration, concur in what would be attended with such pernicious Consequences; And I must now earnestly recommend it to the House, that instead of proceeding in this Motion, they would on the other hand resolve on such Measures as may more effectually secure the Bills already transmitted from a Repeal, of which they are not out of Danger.

And as to the Re-Emission of the moneys already paid in & now lying in the Office, of which I hear there is a considerable Sum, you are sensible that it is subject to the Re-emitting Act of which above six years are yet unexpired—a Term that no Man who really wants money, can reasonably think too short for him to continue a Debtor, or to keep his Estate under an Incumbrance. And for the Payments that are to be made by the last Act, they will come in such small Portions that the Decrease of the Currency will be very slowly felt, & for some years be scarcely perceived.

But on this occasion I cannot forbear observing on Mr. Perry's Letter, that if what he says of Mr. Penn be just, the Gentleman last named had certainly altered his Sentiments before he wrote to me, for tho' the Bill gave him great Apprehensions & he was very doubtful of its success, yet he expresses all the Tenderness for its Preservation that could be expected from the heartiest Friend to it. I am apt therefore to believe Mr. Perry was not fully informed on the Subject when he wrote that Letter.

11th Febr'y, 1730.

Introductory Speech to the Assembly.

GENTLEMEN:

The Tranquility which this Province at present enjoys, & the growing Unanimity amongst us, which has happily prevailed over the past Feuds & Dissentions, are now so visible, that I cannot but congratulate the Representative Body of this good People on a prospect so delightfull in itself, so desireable by every good Man who has a real & hearty Love for his Country, & which, as it must give the highest Satisfaction to a Governor, cannot fail of being equally agreeable to the Governed.

Amongst the many valueable Privileges derived to this Colony from our late Honble Proprietor, that of annual Elections is none of the least, whereby frequent Opportunities are given to the Legislature of inspecting & regulating our Publick Affairs, and as the Persons chosen to that important Trust are supposed to be Men of Virtue, Wisdom & Ability, so likewise from the Opportunities they have in their respective Counties, of Knowing the State & Condition of their Countrey, they cannot but when convened together & seriously disposed to promote the Public Interest, be very good Judges of those means by which our Happiness & Prosperity may be promoted; And from hence it is Gent., that I think it unnecessary at this time to mention to you such things, which as they naturally fall under your Consideration in the Course of your Proceedings, will no doubt be as seriously attended to as if they had come particularly recommended from me.

I must nevertheless Observe, that as it hath pleased God this last year, to bless not only these parts of America with a very plentiful Harvest, but also, as we hear, most of the Countries in Europe, which of Course has putt a stop to their Demand for our Produce, it therefore naturally follows that our own Pro-

visions must be low. We ought, however, as plenty of the Fruits of the Earth has ever been held one of the greatest Blessings of Heaven, not only to acquiesce but be humbly thankful for our present Affluence, yet as many may by this means be pinched by a Stagnation of the Currency, which even ensues in all Countries where their Produce is not in Demand, it may at this time be incumbent on us to think of all possible Measures to recommend our Manufacture to a greater Degree abroad, that when at Market they may find a readier Sale.

I have understood that when this Colony was young & had but little Experience, it exceeded all its Neighbours in the Fineness of its Flour & Bread, & Goodness of its Beer, which are the only Produce of our Grain; the Regulations which have already been made in the two first have greatly contributed to their Improvement as well as the Reputation of the Province, & it will still become the Legislature to continue their Care & Concern in a Point of such Consequence to the whole Country. But the Abuses in the last are so gross that you cannot but be all sensible of the Reproach Brought upon us, when you hear how we have of late been Supplied by a neighbouring Colony, & therefore I need say little to excite your most vigorous Resolutions to apply a proper Remedy, which in my opinion may very easily be found.

And if, besides such Measures as may render the Produce of our Grain more valueable & consequently bring it more into Demand, Encouragement were given to raise such Commodities that might have a constant & ready vent in Britain, & thereby help to make Returns, it would certainly be of vast advantage to the Publick.

In my Speech to the first Assembly chosen after my Arrival, I mentioned Iron, Hemp & Silk; in the first of these divers proceeded with Vigour, till the vast Quantities unexpectedly imported into Britain from the new

works in Russia, where the poor People labour almost for nothing, have given some Damp to that Manufacture. But as Silk comes from Countries long settled & accustomed to the Business, where their Prices cannot much alter, and as no Climate in the World is found to agree better with the Silkworm than this, since it is impossible that as the Inhabitants encrease the raising of Grain should always turn to Account for Exportation, nothing in my Judgement can be more worthy of our Application than to excite the People to the planting of Mulberry Trees, & furnishing themselves with Silk Worm, since it is a Work of which the poorest & feeblest are capable, & Children who can be of little other Service, may here find an Employment suitable to their Years. As the Business is new, People will naturally be backward in falling into the Practice, but if we consider that all Manufactures were so at first, that the West Indies were for some time settled before they thought of raising Sugar, from whence they now make vast Estates, we should not be discouraged, for all things of this kind require only Resolution in the beginning, at which most things appear difficult that afterwards become easie & familiar. I therefore recommend it to you Gentlemen, to think of some suitable Encouragement that may prompt the Inhabitants to proper Endeavours on their parts, & I shall use mine to procure Persons of Skill to lead them into a Way of finishing their Labours to Advantage: The raising of Hemp & dressing it by water-rating the only Method we find for rendring it truly usefull, has already its Encouragemt, & 'tis hoped in time this also may be applied to make Returns.

These are the Points I shall now recommend to you, in which as I have nothing in View but the true Interest & Honour of the Province & of every Subject under my Care, I cannot doubt your ready Concurrence. This Disposition will naturally lead you to Unanimity & Dis-

patch, the only means of giving Success to all our Counsels, and of a happy & speedy Issue to the Session, which that we may attain, with sincere Expressions & real Proofs of Loyalty to His Majesty, Fidelity to our Honble. Proprietors, & with the Increase of Love and Good will amongst all our Inhabitants, is the highest of my present Wishes.

6th Janry, 1731.

Remarks to the Assembly Concerning a Petition of
Several Germans for Naturalization.

GENTLEMEN:

A Petition having been presented to me in behalf of several Germans now inhabiting this Province, a List of whose Names is hereunto annexed, praying that they may enjoy the Rights & Privileges of English Subjects, I have made Enquiry into their Characters, & find they have behaved themselves so well during their Residence amongst us, that I have no Objection to their receiving this Mark of Favour from the Legislature of Pennsylvania. It likewise appears by proper Certificates produced to me, that they have taken & subscribed the Qualifications by Law directed, & therefore I hope your House will concur with me in passing a Bill for their Naturalization.

P. GORDON.

9th Janry, 1731.

Remarks to the Assembly Concerning the Re-emission and Continuance of Paper Money.

GENTLEMEN:

I have perused & considered the Bill for re-issuing & continuing the Currency of such Bills of Credit of this Province as by former Acts are directed

to be sunk & destroyed, and for striking Forty thousand pounds more in new Bills to exchange the old; And I cannot hereupon but with great Uneasiness reflect upon the most unjustifiable Conduct of those who, when the last Emission was under the Consideration of the House that made the Act for it, so obstinately opposed that well judged Proposal, to issue one entire new sett of Bills sufficient for our Currency, to be continued for a Term by Re-Emission; for such a Provision would have absolutely prevented the Occasion the House now finds for this new Bill, & thereby have saved much Time to the Legislature, with a great Expense of money to the Publick, besides the vast Inconveniences & Hazards to which we expose ourselves and our whole Currency, by multiplying the Acts of this kind where there might have been no manner of Occasion.

For surely Gentlemen, the weakest amongst us cannot but be sensible that while every Act of ours is subject to a Repeal, whenever by Advice of His Ministry, His Majesty shall think fitt to order it, While the Caution given us by the Board of Trade of the 11th of May, 1726, formerly communicated to the Assembly, is so express agst. enlarging our Currency, while not only a Prejudice universally obtains amongst the Merchants in Britain against it, but we find His Majesty from time to time requiring His Governors to pass no Act for Establishing it that shall be in Force till it obtains the Royal Sanction, of which the late Proceedings in New Jersey are one Instance, & our News Papers have furnished us with others. When all this is considered I say, none can be so blind as not to see the great Risque we run by multiplying such Acts without Necessity, since we thereby endanger our whole Currency.

However, as this Bill seems calculated only to answer the Intention of the former much better timed Proposal, & as it may fully answer all the Exigencies

of the Country, & prevent during its Term, the Necessity of any further Provision for a Currency, I shall venture to pass it with small Amendments.

But as by its being a new Bill it may still subject us to yet greater Difficulties in Britain, I must now take this Opportunity to insist on your making a due Provision for furnishing ourselves with an able Agent in London, who may cordially & sincerely negotiate such Bills, together with our other Business at the several Boards, since you cannot but be sensible that the Persons to whom they have of late been sent, however worthy in other Respects is in this Case absolutely improper, as being wholly disaffected to the Currency in general, nor if otherwise inclined would his great Affairs allow of his Attendance. Not only the Advantages but the Necessity of such an Agent are manifest; for a suitable Encouragement to such a Person would induce him to devote a part of his time to the Study of our Constitution, the Circumstances of the Province & its Trade, and as a Man of Penetration would soon make himself Master of these Points, he would not fail on all Occasions of doing us eminent Service. By one thus qualified better than by many written Representations, might those Impressions which have been received to the Disadvantage of our Currency be removed, the particular Laws framed for our Conveniency would be easily and naturally explained to those who are to judge of them, & nothing would then be transacted at any of the Publick Offices relating to us, of which we might expect early Notice; And a moderate yearly Sum laid out in this way might on some Occasions save a very considerable Publick Expence. I am led to press this the more closely, from some late endeavours that have been used to obtain a Repeal of the Law for establishing Courts of Judicature, passed since my Accession to this Government, which had it been obtained would have occasioned great Confusion in the Publick

Administration. And as the matter is still depending before the Lords of Trade, it will become us to take all suitable Measures to prevent a Design of this Nature; And seeing all our neighbouring Governments carefully provide proper Agents to appear for them & manage their affairs, & our own Assemblies as I am informed, have formerly voted the same, I hope therefore a House of Representatives that I am perswaded has the true Interest of the Province as fully at heart as any that has hitherto been convened, will no longer delay so important a Provision.

Upon considering the Bill in Council one observation has been made which will deserve your Notice, & this is that the striking so large a Sum as Forty thousand Pounds to exchange torn or ragged Bills may be attended with several Inconveniences, unless it is proposed to exchange all the Bills now current by the two first Acts. If that is intended, the Bill as it now stands does not seem to express it clearly, nor to direct that those Bills of Credit shall not be again issued, which it is conceived ought to be done in full and distinct terms.

P. GORDON.

3d Febr'y, 1731.

Remarks to the Assembly upon the Necessity of Offering Greater Inducements in Order to fill Vacancies on the Supreme Bench.

GENTLEMEN:

The Death of that worthy Gentleman Mr. Hill, & the Indisposition of Mr. Lloyd, which renders him unfit to attend the Public Service, has occasioned two Vacancies in the Commission of the Supreme Court by our Constitution established, And tho' I have used all proper Endeavors to gett them supplied, yet I find

so great Difficulty in prevailing with Men of Knowledge & Abilities to undertake those Offices, that I am obliged to acquaint you therewith, lest this Failure should be laid at my Door.

Upon the late repeated Application from the Several Counties of this Province for the Trial of Criminals then in Goal, I was obliged to direct special Commissions of Oyer and Terminer & Goal Delivery to three Gentlemen, who at my Earnest Request were perswaded to perform that Service, which ought to be acknowledged by the Publick; And as Prosecutions of that Nature are greatly multiplied amongst us, & several Complaints are daily made, by Persons who either stand in need of Remedial Writts properly issued out of that Court, or whose Suits are removed thither & there remain undecided to their great Loss, It appears highly necessary that an Appointment should be speedily made of proper Persons for Judges of that Court, that the End of its Establishment may be answered. But in Order to do this, as much as may be to the general Satisfaction of all the Country, I must desire you to consider of & resolve upon such allowances to the Persons so appointed, as may be some Inducement to Men of Capacity to accept of those Offices, otherwise it will not be in my Power to remedy the Inconveniences which the Publick now sustains thro' the Want of them; And this I recommend to your serious Consideration.

6th Febr'y, 1731.

P. GORDON.

Remarks to the Assembly upon the Application of the Sugar Islands for Restraining the Trade of the Northern Colonies in America.

GENTLEMEN:

The Public Papers of the last Spring have apprized the whole Countrey of the Application first made to His Majesty in Council, and then to the Parliament of Great Britain by the Sugar Islands, especially Barbados, for restraining the Trade of his Majesty's Northern Colonies in America.

The first Notice of this Affair from England did not reach my hands till April last, and as the hearing of their Petition before the Council was to be the latter end of that Month, I thought it would be to no Purpose to call you together at a time wch might have been inconvenient to your private Affairs, especially considering that our Remonstrances must have come very late, if any thing had then been determined on the said Petition. By the last Advices I understand that a Bill has passed the House of Commons, but from the strong Opposition it mett with was not gott thro' the House of Lords, where it now lies, & will undoubtedly be vigorously pressed on next Session of Parliament.

I need not I hope observe to you of how great Importance this Affair is to the whole Continent of America, & tho' it may be thought that the Trade of this Place with any of the Forreign Sugar Islands is but inconsiderable with respect to that carried on by our Neighbours, yet when the immediate Consequences of such a Restraint are maturely considered, it will be found that the General Trade of this Colony will be most deeply affected by it, & the Inconveniencies such as must be sensibly felt by all its Inhabitants, and especially the industrious Farmer, for it is evident that if our Neighbours are denied the Vent they have had for their Bread & Flour in the Forreign Colonies, & be

confined solely to our own, the Price of our Staple Commodities will by means thereof be brought exceedingly low.

Our Honourable Proprietors have on this Occasion shewn their Affection & Concern for our Interest by a warm opposition to the Bill, and that Gentleman who at your last meeting was appointed your Agent, has so far interested himself therein in behalf of this Colony, & exerted himself with such Care and Assiduity for its Interest, (Even before that Appointment could be made known to him,) that I am extremely well pleased your Choice fell on so able an hand, and I persuade myself his Services will meet with a proper Encouragement. I send herewith a Copy of part of a Letter I received from him on the subject, which so fully gives the then state of that Affair that you will want no other Information, and with it I send some Prints that may be of use to you in this momentous Affair, wch I hope you will enter upon with a becoming Concern, & prepare such Representations in Behalf of this Country to be laid before His Majesty & the British Parliament, & give such necessary Directions therein to your Agents as a Matter that so nearly Affects us all immediately calls for.

I have also another Affair of very great Importance to the Security of this Colony & all its Inhabitants to lay before you, which shall speedily be communicated to you.

4th Augst, 1731.

Remarks to the Assembly upon the Necessity of Entering into Further Treaties with the Five Nations Indians.

GENTLEMEN:

Upon some Notices I have lately received, the Import of which will be now verbally communicated to the House, you will I believe, clearly see the Necessity of entering into some further Treaties with the five Nations of Indians, whose Friendship is well known to be of the highest Importance to the Peace and Security of these Countries. And I must further add, that a most unforunate late accident in the Chief Family of our late Delaware Indians, by means of that pernicious Liquor, Rum, and the abuses these poor People suffer by its being carried to them in large Quantities under the pretence of Trade, call also for a Redress, which at this time becomes the more necessary, because by a due provision of this kind, our Treaties with them will be much facilitated & strengthened.

4th Augst., 1731.

Speech to Sassoonan, King of the Delawares.

BROTHER SASSOONAN:

When we first heard of the unhappy Death of our Friend Sam Shakatawlin, we were exceedingly grieved for it. We heard also, at the same time, that you were so much afflicted for his loss that you forbore taking necessary food, and that after we had lost two very good Friends, Opekasset & him, we were in danger of losing you also. To prevent this you were sent for, that we might take care of you and preserve your Life, that you might still remain longer amongst us and continue to preserve Peace, which we understood was always your inclination. But you ought to goe in mourn-

ing for him, and I have ordered a Coat for you for that Purpose.

Brethren:

This unhappy accident I understand, was owing to that pernicious Liquor, Rum, which has too often occasioned mischief before, and I have received divers Complaints of its being carried in Quantities amongst you. We have made many good Laws to prevent this, but you are so fond of it yourselves that you will find means to procure it. I now desire to know fully your minds who are here upon that head, and what measures you would have taken to regulate this affair; and if you will observe on your parts what shall be agreed on, I shall Endeavour the same shall be observed on ours.

12th Augst., 1731.

To the Assembly transmitting the London Agents
Account of Expenses.

GENTLEMEN:

The Concern you express for the true Interest of your Country by your Message of yesterday, in answer to mine of the day before, cannot fail of being equally acceptable to all the good People of this Province in general, as it is to me in particular. And as the Sollicitations in Opposition to the Attempt of the Sugar Islands, have been attended (as in all such Cases is usual) with a necessary Charge, I herewith send the Agent's Account of money expended in that Affair, & must recommend it to you to make Provision for his Re-imbursement, & likewise to consider whether the Allowance you have established for him is not by much too small when compared with that of other Colonies, whose Business cannot occasion a greater Application & Fatigue than ours must necessarily do, And I per-

swade myself your House will the readier agree to this when 'tis considered that this Gentleman has Several other Affairs now under his Management at home, which are likewise of very great Importance to the whole Province.

6th Augt., 1731.

Remarks to the Assembly upon the Necessity of Further propitiation of the Five Nations Indians.

GENTLEMEN:

As it is of the highest Importance to us at this time, that we should **not only** cultivate the same good Understanding with the Five Nations of Indians that has hitherto subsisted between this Government & that People, but also that for the Reasons given in my Message of this head, we should at this time Endeavour to improve it further for our Security. I heartily thank you for your enabling me by your last Answer to speak to them on these Subjects in the Name of the whole People of this Province, and for the Assurances you give me that your House will readily defray the necessary Charges of the Treaty to be held with them. But as the nature of such a further Treaty will absolutely require a greater Expense than such as have hitherto attended our usual Treaties with them in this Place, & that money should immediately be advanced at the time it is carrying on, I hope you will give such Orders to the Treasurer as that we may not be under any Exigency on that head.

But as those People have from time to time complained of the Abuses putt upon them by the great Quantities of Run carried into the Woods, by means of which the Number of the Indians under their Care are by unhappy Accidents daily lessen'd, a fatal Instance

of which has very lately happned that I doubt may deeply Affect us. And yet it is found altogether impracticable to carry on a Trade with them & to furnish them with Necessaries for their hunting & cloathing; which is the only Bond and Tie of their Friendship with us, without some moderate quantities of that Liquor; nothing will more sensibly affect them nor more strongly engage them to us, than if I can assure them that now, at this present meeting of the Representatives of all our People we have taken such measures as will furnish them with so much Liquor as they shall judge really necessary for them, and yet that it shall be so restrained as that the ill Consequences arising from larger Quantities forced on them, as the Practice has been, shall on our parts be effectually prevented. I must therefore request you most seriously to apply your thoughts to this important Subject, and to appoint a Committee that may agree on a Bill to be brought into the House for that Purpose.

Your concern also that our own Indians should be made easie, & those Complaints be removed that they have made of the Christians settling the Lands they claim, is prudent & just, & in Compliance with your Request I shall not only move it to the Proprietary Trustees to make a Purchase of these Indians, but shall promote it by all the means in my Power. This I understand has been long delayed, solely in Expectation of the Arrival of some of our Proprietors, who as the the Descendants of their late Honourable Father for whose Name all the Indians have the highest Regard, would be the most proper to manage such an Affair with their own Estate. But as I am assured the Gentlemen now in trust for them have all possible Zeal & Affection for the Peace & true Interest of the Country, it is not to be questioned but that convinced by the Necessity of it, they will proceed to the utmost Length of the Powers they are invested with so far as they can

with any Safety to themselves, to answer your & my Request in so important a Affair.

August 7th, 1731.

Proclamation for the Regulation of Traffic with the Indians.

BY THE HONOURABLE PATRICK GORDON, ESQR., Lieutenant Governour of the Province of Pennsylvania, & Counties of Newcastle, Kent & Sussex on Delaware,

A PROCLAMATION.



WHEREAS by the Blessing of Almighty God on the just & prudent measures which, at the first Settlement of this Colony were entered into by its Honourable Founder, and have since been pursued by (his Government, a firm & uninterrupted Friendship has been maintained between the Inhabitants thereof, & its Native Indians, AND WHEREAS the more effectually to secure the same several expensive Treaties with them have been held, and divers wholesome Laws have been Enacted for regulating the Trade carried on with the said Natives, and for preventing their being abused with Strong Liquors. Notwithstanding which divers Persons of late have made it their practice to carry amongst the said Indians large Quantities of Rum, by Means whereof they are not only grievously wrong'd, but such fatal Accidents too often ensue, as without a timely Interposition may destroy that good Agreement which hath hitherto subsisted between them and us, and likewise very much endanger the Publick Peace, as appears by the repeated Complaints not only of our own Indians, but of those

to the Northward, who have formerly been known by the Name of the Five (but are now called the Six) Nations, AND WHEREAS the Representatives of the Freemen of this Province, at their last Session of Assembly upon a serious Consideration of the Premises, have requested me that I would cause the several Laws now in Force, for regulating the Indian Trade & preventing Abuses committed by selling Rum to the Indians be strictly putt in Execution, I HAVE THEREFORE, by & with the Advice of the Council, thought fitt to issue this Proclamation, Hereby Requiring & Commanding all & singular His Majesty's Subjects within this Province, who are any ways concerned in the Trade with the Indians, that they carefully observe and practice the several Laws of this Government thereunto relating, as they will answer the contrary at their Peril; And that no Person or Persons whatsoever, presume to deal or traffick with the Indians in the Woods unless they are recommended & licensed, as by an Act of General Assembly of this Province, pass'd in the eight year of the Reign of His late Majesty KING GEORGE, of blessed Memory, Entituled An Act to prohibit the selling of Rum and other Strong Liquors to the Indians, & to prevent the Abuses that may happen thereby, is appointed and directed. Hereby Notifying to all and every such Person or Persons as shall hereafter be recommended by the Justices of any of the County Courts of Quarter Sessions within this Government, to Me for a License, that they present themselves personally before me in order to obtain the same; AND WHEREAS it hath been likewise represented to me, that several Non Residents & unsettled Persons continue to come into this Province, and clandestinely deal and traffick with the Indians, & not being under any proper Security are the less carefull of their Behaviour in their dealings with & usage of the said Indians.

FOR PREVENTION thereof I hereby strictly enjoyn all & every of his Majesty's Justices of the Peace within this Government, & more particularly those in the remoter parts of the Province, that against such Offenders who shall hereafter be found within the reputed Boundaries thereof, they cause an Act of General Assembly of the said Province, passed in the twelfth year of the Reign of his Late Majesty KING WILLIAM the third, of blessed Memory, Entituled the Law about Indian Traders, to be strictly put in Execution.

Given in Council at Philadelphia, under my Hand & the Great Seal of the said Province the twentieth day of August, in the fifth year of the Reign of Our Sovereign Lord GEORGE the second, by the Grace of God King of Great Britain, France & Ireland, Defender of the Faith, &c., Annoq. Dom. 1731.

GOD SAVE THE KING."

Introductory Speech to the Assembly.

GENTLEMEN:

It is not without some uneasiness to me, that on the Receipt of certain Letters from our Agent by the last Ship from Britain, I found myself under a Necessity of calling you together before the Day to which you stood adjourned; Those parts of them which have any Relation to our Publick Affairs I now lay before you, by which you will find that the Sugar Islands are preparing to renew, and more vigorously than ever, carry on their Attack against the Trade of these Northern Colonies, in a Branch of it, in which tho' we are not immediately and directly so deeply concerned as some others, yet if they are abridged of Vending their Flour in those Channels, and confined only to such as

this Province has generally traffick'd in, it will in the Consequence no less nearly affect our Trade in that Commodity than it will theirs, and all who depend on that Manufacture will be Equally Sufferers. I was therefore unwilling that after I had notice thereof, one Day should be lost in giving you an Opportunity of considering what further Measures were proper to be entered into by this Government, in order to prevent if possible, so severe a Blow to the Trade of this Place, and such a heavy Discouragement to the industrious Farmer, by whose Labours grain is raised.

The Repeal also of our last Law for establishing Courts of Judicature, obtained by the Endeavours of some Persons on pretence that it is prejudicial to His Majesty's Interest, (of which, tho' it is not notified to me in form, I have notwithstanding certain Advice,) may deserve your Consideration. Yet as by that Repeal the former Law, pass'd in the Year 1722 for the like purposes, comes again in force, the Inconveniency I hope will be the less; the greatest is the Charge that you will find hath attended the Defence of it, which tho' greater than we could have wished, had been incurred on that occasion, yet as the Pains that have been taken in that Defence give a manifest proof of the Care and Vigilance of our Agent, in supporting the Rights of the Freemen of this Province, you will no doubt consider his Services and the Necessity of a further Encouragement to one in his Station.

The late Encroachments of the French in erecting Fortifications so near to Albany, and their incessant Endeavours in practising on our Indians, to gain them over to their Interest, have deservedly alarmed our Neighbours, the Province of New York, who have humbly besought his Majesty's Protection, and from his Royal Concern for the Ease and Security of all his Subjects, it is to be hoped effectual Measures may be concerted for putting a timely stop to such dangerous

Attempts in these his Majesty's Dominions. From what hath been communicated to me on these Heads, and the Examinations of some of our own Indian Traders lately taken before me, you will clearly see the Necessity of turning your Thoughts to the Consideration of Indian Affairs, and of providing by proper Regulations for the Peace and Safety of the Province, which is too frequently endangered by Persons Settling on Lands not yet purchased of the Natives, and undue Manner in which our Trade with them for these several Years past has been carried on. We have now large Expectations given us of seeing one of our Honourable Proprietors here next Spring, who, as they succeed to the Honours and Estate of their much Esteemed Father, our late worthy Proprietor, we cannot doubt but they Equally inherit his Virtues and imitate his Example, in their Affection and Good-will for this Province, and therefore cannot fail of being cordially received by all its Inhabitants.

It may be very convenient to proceed at this meeting to consider of such other public business as may come before you, which will be an ease to yourselves and a means of lessening the publick expence.

23d Novr., 1731.

Acknowledgement of the Reply of the Assembly to the Introductory Speech.

GENTLEMEN:

The Regard you express for the Honourable Proprietary Family, and the Sense you entertain of my Endeavours for the Publick Service cannot but be very agreeable to me. And I am perswaded your House will not fail of shewing a proper Zeal for the Interest of your Country, by a careful Consideration of what has been recommended to you.

24th Novr., 1731.

Petitions of the Governor, Council and Assembly to the King and the Parliament Concerning the Attack upon the Trade of the Northern Colonies by the Sugar islands.

TO THE KING'S MOST EXCELLT. MAJESTY:
THE PETITION of the Lieutenant Governour and his Council and of the General Assembly of the Province of Pennsylvania:

In most humble manner sheweth:

THAT the tender Concern your Majesty has on all Occasions shown for the Prosperity of your People and your Singular Goodness in Condescending to hear the Complaints of even the meanest Emboldens us, your Majesty's Dutifull and most Loyal Subjects, to cast ourselves at your Majesty's feet and implore your Princely Interposition in favor of your Northern Colonies on the Continent of America, now most unnaturally attacked by Our fellow Subjects of Your Majesty's Sugar Islands, who not content with the Great Gains they yearly make from their rich Plantations, Endeavour by Misrepresentations to obtain an Act of Parliament for debarring these Colonies in Effect. from all Commerce with any others in America but themselves. The certain Consequence of which would prove a vast Diminution to the Navigation of Great Britain, an Increase of the Shipping of Our foreign Neighbours, a large Reduction to the Exportation of the British Manufactures, and by the Decay of their Trade would extremely impoverish these your Majesty's Colonies, and by that means not only render us useless to Our Mother Country but expose Us to great Dangers from our powerfull Neighbours, the French, by whom we are now surrounded.

We therefore most humbly beseech your Majesty, that you would be graciously pleased to extend your

Princely Compassion to Us by discouraging an Attempt so injurious, as well to the Interest of Great Britain as to that of your Majesty's faithful and Loyal Subjects, inhabiting your Northern Colonies in America. And your humble Petitioners, as in Duty bound, shall ever pray for your Majesty's Long and prosperous Reign.

TO THE RIGHT HONOURABLE THE LORDS SPIRITUAL & TEMPORAL, in Parliament Assembled.

THE PETITION of the Lieutenant Governor, his Council, and of the General Assembly of the Province of Pennsylvania,

Humbly Sheweth:

THAT a Design having been formed by some Inhabitants of His Majesty's Sugar Islands, to promote their own private Advantage by restraining the Trade of His Majesty's Northern Colonies on the Continent of America, and engrossing it to themselves, A Bill for that Purpose was brought into the Parliament of Great Britain at their last Sessions, which then most happily Stopt with your Lordships.

That your Petitioners are under the deepest Concern to find that an Attempt of the like Nature is again to be renewed, which, should it take Effect, will not only tend to the Ruin of this and the other British Colonies on this Continent, but likewise most sensibly Affect the Trade and Interest of Great Britain itself.

Your Petitioners therefore most humbly pray that they may be heard by Council, before any Bill so injurious in its Consequences to this and His Majesty's other Northern Colonies on the Continent of America, do pass into a Law. And your Petitioners as in Duty bound, shall ever pray, &c.

TO THE HONOURABLE THE COMMONS OF
GREAT BRITAIN, in Parliament Assembled:

THE PETITION of the Lieutenant Governor and his
Council & the General Assembly of Pennsylvania.

Humbly Sheweth:

THAT from the great Care and Vigilance the House
of Commons hath at all time shewn for the Welfare
and Safety of their fellow Subjects of every Degree,
your humble Petitioners are encouraged to hope that
the same tender Regard will be extended to them and
His Majesty's other Northern Colonies in America, in
a Point that not only deeply affects their Interest, but
That also of the whole Kingdom of Great Brittain.

This, may it please your Honourable House, is the un-
natural Attempt of His Majesty's Subjects of the Sugar
Islands, who presuming as we Judge, on their great
Wealth already acquired, and in hopes of further aug-
menting it, are now endeavouring to obtain an Act for
restraining the Trade of these Colonies with the foreign
Plantations, and in a great Measure confining it to
themselves alone, not only to the Oppression of His
Majesty's Subjects Inhabiting these Colonies, but to
the Manifest prejudice of Britain itself, by lessening
the Exportation of its Manufactures, which on the pass-
ing of such an act must inevitably Ensure.

But if it shall appear that these His Majesty's Col-
onies will by such an Act, if it should Pass, be not only
impoverished, and thereby made an Easy prey to our
Powerfull and watchfull Neighbours, the French, who
now surround us and appear bent on enlarging their
Dominions, but also be rendred useless and unprofit-
able to Great Britain. Your Petitions crave Leave to
hope from the Great Wisdom of this Honourable
House, that an Attempt which may be attended with
so many destructive Consequences, will never be Coun-
tenanced by the Commons of Great Britain.

Wherefore your Petitioners most humbly pray that they may be heard by their Council against the Bill, and in Support of what is with all Dutyfull Submission here alledged. And your Petitioners as in Duty bound, shall ever pray.

4th Decr., 1731.

To the Assembly Concerning the Bill for the Payment of the Assembly Men's Wages.

GENTLEMEN:

The Bill directing the manner of Payment of Assembly Men's Wages which is herewith returned, has been fully considered by me in Council. And as the Method thereby proposed deviates so much from the Practice which has hitherto been in Use in this Government, and as yet obtains in most of those in our Neighbourhood, & Seems to be an Innovation in the Constitution, many strong Objections have been raised against the Bill. But inasmuch as the Term of its Duration is but short, and the Fund it is Supposed may be sufficient for that time to answer this Service and the other Exigencies of Government, I have agreed to pass the same upon this Special Condition, that it shall not be drawn into a Precedent for the future, but at the Expiration of the three years limited in the Bill, the Act for raising County Levies shall in all its parts effectually take place, according to the Amendment herewith proposed, and that this Declaration stand on the Minutes of the House.

20th Janry, 1732.

Valedictory Remarks to the Assembly.

GENTLEMEN:

I return you my hearty thanks for what you have now thought fitt to order towards Support of Government. And as your present Session, by reason of the Thinness of your House, occasioned by the Distemper still prevailing as I understand in many parts of the Country, is so very short that divers Affairs of Importance to the Publick that would require your Attendance must be deferr'd, I am to put you in mind that there will be an absolute necessity for your Meeting again at some convenient time this year to proceed on those Affairs, and particularly, I must observe that what I recommended to you at your first Meeting, when I laid before you the Advices I had received from the Government of New York, with some other Papers touching the late Attempts and Ineroachments of our Neighbours, the French, both on that and this Province, will demand your most serious Application, on which Head I should have said more at this Meeting, but that expecting fuller Accounts of our Intended Treaty with the Five Nations in the Spring, and other more certain Advices than I have yet received from the Western parts of the Province, I have chosen to defer it till we can be more perfectly informed of those proceedings. In the mean time I shall not be wanting in my Duty to inform His Sacred Majesty by his Ministry, of the said Attempts, that proper Measures may be taken for the Security of these His Majesty's Dominions.

20th Janry, 1732.

Letter to Lord Baltimore in Reply to a Concerning the Connivance of Certain Pennsylvania Magistrates in the Disorderly Conduct of Alleged Pennsylvanians in Maryland.

Philadelphia, Decemr. 23d, 1732.

MY LORD:

It gives me no small Concern, that the first Letter I have the Honour to receive from your Lordship, should be on so disagreeable a Subject as a complaint against any of his Majesty's Subjects under my Government, for Disorders committed in the Province of Maryland; and I must assure your Lordship you have been exceedingly misinformed if you can imagine it possible that I should countenance an Outrage of such Sort as your Letter seems to represent it, for I believe I shall be fully capable to satisfy your Lordship that my Conduct in relation to your Province, since I had the honour to serve the Proprietors of Pennsylvania as their Lieutenant Governour, has demonstrated a very different Disposition.

To the matter of the Complaint I am very much a Stranger, and as your Lordship was not pleased to transmitt Copies of the Information, or any thing else that might sufficiently enable me to judge of it more clearly, I shall therefore immediately, notwithstanding the Distance and Rigour of the Season, dispatch a Message to the Magistrates of the County of Lancaster requiring them without delay to make a full Enquiry, and furnish me with every thing for the perfect Understanding the State and Circumstances of the whole Affair; and I have no Reason, from the past Conduct of those Gentlemen, to believe but that it will be found much different from what has been represented to your Lordship. These when received shall be forthwith communicated, and then I may have Occasion to make some further Observations on your Lordship's Letter,

and the Nature of these unhappy Disputes which, notwithstanding all possible Caution to the Contrary, may arise for want of the Division Lines being actually run, whereby every Inhabitant might distinctly know what Jurisdiction he lives under.

This being all I am at present able to say on the Subject till the return of my messenger, I am, My Lord,

Your Lordship's •

Very humble Servant,

P. GORDON.

Addressed thus,

To the Right Honourable

The Lord Baltimore, Proprietor of Maryland.

Letter to the Justices of Kent County Concerning the Participation of the Magistrates in Broils with Citizens of Maryland.

Philadelphia, January 9th, 1732-3.

GENTLEMEN:

A Letter from Mr. Shurmer to my Secretary, being very lately come to his hand, has been communicated to me, relating to a Fray, that has happened on the Borders of your County and those of Dorset in Maryland, in the Narrative of which, as he has not been sufficiently full and Clear, I am at some loss how to judge of it, but the substance as far as I understand it is, that one John Newton purchased some land of a person who told him he held it under Maryland, on which Newton as a tenant of that Province, paid his Levies, at least for one year, to the Officers of Dorset County, but that upon Enquiry he found he had been imposed on, for that the Land he was possessed of had never been granted by Maryland to any person whatsoever; whereupon, believing himself to be entirely free,

he chose rather to belong to the County of Kent, and accordingly got the Surveyor, but without any Warrant or other Grant, to run out some lines, of which notice was taken in the Surveyor's Books there, and from that time for some years, he paid his Levies to your County; that some of the Officers of Dorset County lately demanding a Levy of him, as one of their Inhabitants, he made his case known to some of your number, who appointed a Constable in his Neighbourhood for the preservation of the Peace; that the under Sheriff of Dorset continuing to insist on the said demand, at length carried him off by Force; that the Constable taking a sufficient number of assistants, pursued them, and not without some violence rescued the Man and brought him back to his house. Now, tho' it is difficult to account for this proceeding on the part of Maryland in attempting to take a Man prisoner for his Levies to that Government, who had several years paid them to this, at a time when there was reason to expect that by the late agreement all differences would be amicably composed, in which attempt undoubtedly they were most manifestly in the wrong, yet on the other hand the utmost caution ought to be used not to give any just occasion of offence to our Neighbours, with whom we have in the main lived in a good understanding, and particularly to take care not to countenance the Levity of such, as living on the disputable Borders, think they may shift their landlords at their own Will and Pleasure; for this is a practice this Government would never Encourage, nor is it our Honourable Proprietors desire that any person who was first a Tenant of my Lord Baltimore, should be afterwards allowed to change till such time as the running of the division lines, which we may now speedily expect, shall fully determine under which Government for the future, they are to be ranged.

On receipt hereof I desire you without delay, to trans-

mitt to me a very particular Account of the whole Affair, and especially of the time when Newton first Entred upon that Land; how he purchased it; how long he paid his Levies to Maryland, & how long to your County, as also, how the place is situate, and how and by whom the Neighbouring Lands are inhabited.

And although the Magistrates will always desire to be commended for their just Zeal in asserting the Rights of the Government they live under, when these Rights on a sufficient Evidence are clear to them, in which they may assure themselves they shall always be duly protected, Yet I must again press upon you the Caution I have given, and require you by no means to enter into any Broils with my Lord Baltimore's Tenants, unless they should force you, by invading a clear and just Right, to appear in Defence of it in a manner becoming Persons entrusted with necessary Powers for protecting the People in their civil Liberties; and an Account of your Procedure in such a Just Discharge of your Duty will always, I am sure, be most acceptable to our Honourable Proprietor, as it will be to

Gentlemen,

Your Loving Friend,

P. GORDON.

To the Justices of His Majesty's Peace of the County of Kent.

Letter to Lord Baltimore further Referring to the Border Differences between the two Colonies.

MY LORD:

When I wrote to your Lordship the 23d Ult^o., I was then at some Loss what to say in answer to Subject matter of your Lordship's Letter, thinking myself in Prudence obliged to decline giving my Sentiments of that Affair, lest on a proper Enquiry it should be found otherwise than I had Reason, at that time,

to apprehend it. But the Return of my Express to Lancaster, has brought me so full & distinct an Account of the whole, as clearly shows that neither any Riot hath been committed within your Lordship's Province by People of Pennsylvania, nor any Injustice done to those whose Complaint your Lordship thought fit to hearken to.

The Letter from the two Magistrates, a true Copy whereof is here inclosed, gives a plain Narrative of the whole matter, which is supported by many Affidavits now in my hand, the Substance whereof is, that James Patterson being informed one or more of his Horses were Killed, near John Lowe's Plantation, and that his two Sons, Daniel and William, had been seen presenting a Gun to fire at another, but were prevented by being discovered, sent some Persons thither to inquire into the truth of the matter, who finding one of them dead near Lowe's house, made some Expostulations with his Sons on that head, who were so far from disowning the fact that they said they would kill all the horses that came upon that Land; and having assaulted and grossly abused Patterson's Mesengers, threatned they would tie and whip all those he should send over thither; that upon complaint hereof made, a Warrant was issued for apprehending the two Persons who had been thus guilty of that assault; that the Constable to whom the Precept was directed, having formerly met with Resistance from these People, and fearing new insults, (for 'tis undeniably proved of Thomas Cressop and his associates there, that they had threatned to shoot any Officer of Pennsylvania who should come into those parts to do his Duty; that they were provided with Arms, and would use them for that purpose; nay, to such a pitch of Insolence was Cressop arrived, as to declare that if he had known when the Sherif came to apprehend a Man & Woman who had murdered their Child, and have since been condemned for it, he

would have defended them,) from these Apprehensions therefore, the Constable, tho' he only took his Staff himself, yet thought it necessary to have a suitable Strength with him, and being assisted by James Pattersons, Senr. & Junr., William McManac, Alexander McKey, John Capper, John Hart, John Patton, James Patten and Mathew Baily, and no others, amongst whom were only three Guns, and these not loaded, serving only as an appearance of defence, went quietly to the house of Lowe the Father, and the Door being Open, he there apprehended Danl. and William his two Sons; that no disturbance was made but what was occasioned by the Resistance of the Prisoners, and those who came to their Relief, and in preventing Lowe's Wife from going out to raise the Neighbourhood: that in their return Thomas Cressop, William Canon and Edward Evans, followed them to rescue the Prisoners, and wounded John Hart, but were obliged to desist; and to conclude all, that Lowe's house where his Sons were taken, is several miles more Northerly than Philadelphia, (which appears, by a well known Line that had been run about forty years since, on a due West Course from this City to Sasquehannah, in order to a more certain discovery of the Country,) and one Person, who for several years past has been employed in Levying the Taxes of the County of Lancaster, particularly deposes, that there are four hundred People living more Southerly than Lowe's house who pay Taxes in that County. & have always acknowledged themselves Inhabitants of Pennsylvania.

The Facts therefore standing thus, it is Evident that the Magistrates had unquestionable Right to issue their Warrant, both in Relation to those Persons and place; and therefore, in answer to that part of your Lordship's Letter where you expect they should be punished for the Abuse of their Authority, I must further say, that these two are Gentlemen of such Integrity, Discretion

and good Abilities, that I have never yet had real cause to think they stood in need even of Admonition, and I hope your Lordship, upon considering their Letter, will be so much of the same Opinion as plainly to see they have been greatly misrepresented.

But upon one part of the Letter from these Justices I must beg leave to add, that there having been no Settlements, that we have heard of, made on the West of Sasquehannah, by Authority either from Maryland or this Province, more northerly than Nottingham or thereabouts, till these unhappy late ones, yet some Vagrants, retiring from the Justice of one or other of these Governments, had some times sheltered themselves there and became troublesome. It was therefore agreed, as I am very credibly informed, between my Predecessor and the Lieutenant Governor of Maryland, about Eleven or twelve years since, that all such Settlements should be discouraged by both Governments; yet being at Conestogoe on a Treaty with our Indians in 1728, I found some few had gone over from our parts and sate down on the Lands Cressop and his Company, (as we now find,) have entered on, of which the Indians then taking Notice to me, as a Breach of former Promises made to them, I first made them sensible that their Settling there was not with our Approbation, and then obliged all those People to quitt their Settlements and return to this side of the River: and the same method we continued till Cressop came there, whose Behaviour soon drew many complaints against him. I considered him at first as one of those Vagrants whom I have above described, till finding by some Letters and other Papers sent me last Summer by Mr. Ogle, that some large Surveys had lately been made there, in parts that Maryland has never formerly, that we know, extended their claims to, (which considering the Agreement at Londen in 1724, that to this time has been carefully observed on our part, your Lordship

must allow to have been most irregular,) I could not but be of Opinion that as some Gentlemen of your Lordship's Province, who, casting an Eye on those Lands, now rendered more valuable by the Neighbourhood of our Inhabitants, had attempted so unjustifiable a Survey, it might suit their purposes to have Cressop and some others of the like turbulent Dispositions settled there, to give some Countenance to their claim; but how far he or any of his Associates are worthy of your Lordship's Regard, I shall leave to your Judgment, on a due Enquiry into their Conduct; in the mean time I cannot forbear furnishing your Lordship with a Copy of one of the Affidavits which more particularly relates to yourself, and Contains what must be entirely discredited by those who are acquainted with my Lord Baltimore's character.

I am truly sorry that Misrepresentations of this late Affair have so far prevailed as to divert your Lordship from matters of higher moment, which on your Arrival in your Province must necessarily Engage your Attention, and if in Cases of the like nature, your Lordship has received any impressions to the Disadvantage of this Government, (in which some, probably, may have a particular Interest,) I hope on a proper Enquiry, and in due time, they will be effectually removed; for as I hinted in my former, I can assure your Lordship, that ever since I had the Honour to preside in this Government, I have been anxiously Solicitous to compose those Ruffles and Misunderstanding which the undivided State of the two Provinces occasioned, lest these might begett animosities, and create Quarrels between the Subjects of the same Crown, that may in the end have Consequences too obvious to be noted to a Person of your Lordship's penetration, but 'tis Scarce to be expected Contentions of this sort can be so entirely cease as we could wish, till a Partition shall be actually made.

Thus My Lord, I have endeavoured to give you a sat-

isfactory Answer to your Letter, and if I cannot comply with your Lordship's demand of delivering up Inhabitants of this Province to be tried in yours, for a supposed Riot, committed many miles within the well known bounds of Pennsylvania, your Lordship will do me the Justice to believe the same proceeds from a Sense of the like Obligations on me, to protect his Majesty's Subjects in this Province in their Just Rights, with those your Lordship conceives yourself under, for protecting such of them as are your Tenants. I am,

My Lord,

Your Lordship's

Most obedient, humble Servt.

P. GORDON.

P. S.

It gives me some concern that I am obliged to add to this, that I have lately received an imperfect Account of a Scuffle that has happened on the Borders of Kent County in this Government, and Dorset in yours, occasioned by some of your Lordship's Officers taking one Newton a Prisoner, and forcing him from his own House: what I have been able to learn of this Affair, & my Sentiments of it, your Lordship may perceive on perusal of the inclosed Copy of a Letter which I immediately dispatched to the Justices of Kent County on the Subject.

11th Janry, 1733.

Further Letter to Lord Baltimore with regard to the Border Differences.

MY LORD:

Your Lordship's Letter of the 24th Ult., under cover of one from Mr. Ogle, and accompanied with the Copies of two Depositions, came to my hands

on the 3d Current, by the Bearer of which I would have returned an Answer, if an unlucky hurt I received the day before had not disabled me from attending to any Business. I account it an unhappiness that mine of the 15th of January has been so far from satisfying your Lordship, that without taking the least Notice of what I there represented, your Lordship should think fitt to insist on the Demand mentioned in your former Letter. If the Reasons already given for not complying therewith have not sufficient Weight with your Lordship, I am not able to judge what others can be added in defence of an Action which, in all its Circumstances, were it really Criminal, can only be cognizable in Pennsylvania, the place where it was done; for it is abundantly evident that Lowe's Settlement, even without Regard to the last Agreement, is many Miles within the known bounds of this Province, and clearly without the most extensive ever claimed to our Knowledge by Maryland. And since the regular Administration of Justice and due Exercise of the Powers of Government make it absolutely necessary that some Limits should at all times be known and acknowledged, it is to be considered what Confusion must ensue, if these are to be varied and shifted, to support every bold Intruder, who tho' actually seated within one Province, may yett think fitt to call himself an Inhabitant of the other.

I shall forbear at present making some very obvious Remarks on the Depositions sent me, and shall only say, that as I never had the least Inclination of any Abuse offered to Lowes, the Father, when the Warrant was served on his two Sons, Daniel and William for whom alone it was issued, your Lordship may be assured that this Government will have so strict a Regard to do impartial Justice between all its Inhabitants, that John Lowe, (if the Case be as he represents it,) on a proper Application, may depend on being redressed in due course of Law.

Tho' I have the Honour, my Lord, to be at the head of the Administration of this Province, yet as one of our Honourable Proprietors is now here, I could not judge it proper, however clear the present Case may be, to make any further answers to your Lordship's Demand without first learning his Sentiments, and he has been pleased to lett me know, that tho' your Lordship thinks fitt to take offence at the granting and executing a lawfull Warrant within this Province, yet that the same is not a sufficient Reason to him for delivering up a Freeman of Pennsylvania, to be tried in Maryld., for not knowing that the Proprietor of that Province would resent his doing the Duty of a Constable within his own District. He was likewise pleased to add that he has the same certainty that Lowe's Settlement, (the place where the supposed Wrong is said to be done,) is as unquestionably within the Province of Pennsylvania, as your Lordship has of Elk River being within that of Maryland; that he knows this Province to be as independent of Maryland as that is of Pennsylvania, and tho' his Principles, and those of the greatest part of the Inhabitants, allow of no force except that of the Civil Magistrates, yet being protected by his Majesty's Wisdom and Justice, (upon which he entirely relies for his Defence,) he apprehends no Danger from the different Principles and Superior strength of Maryland.

I have it likewise in charge from him to represent to your Lordship that the time for running and marking the Lines, Limits and Bounds between the Province of Pennsylvania, Counties of Newcastle, Kent & Sussex on Delaware, and the Province of Maryland, by the delay of your Lordship's Commissioners is far spent, and therefore, that your Lordship may, in such manner as you think fitt, direct your Commissioners to proceed to the Execution of that part of the Articles yet remaining to be done, pursuant to the Agreement concluded.

Having thus discharged myself of what I had in

Command to write to your Lordship, I am, on my own part, to return you my very humble thanks for the Person Regard your Lordship is pleased to express for me, and to assure your Lordship it shall be my Endeavour to merit the Continuance of it, by acting no part unbecoming of

My Lord,

Your Lordship's most

Obedient, humble Servant,

P. GORDON.

Philadelphia, February 17th, 1732-3.

To the Right Honourable,

The Lord Baltimore.

Letter to the Lieutenant Governor of Maryland with
Reference to the Border Differences.

Philadelphia, February 17th, 1732-3.

SIR:

Having said to my Lord Baltimore what I apprehend to be sufficient, in answer to his Letter, and to that part of yours in which you, in his Name, demand the Delivery up of the Rioters, as you call them, to the Magistrates of Maryland, I should gladly have spared you and myself the Trouble of entering further into the Dispute, were it not that you have been pleased to make me say and admit what I think I have not, and am sure never intended.

In your Letter it is said, that by the very manner in which I have presented the Affair in mine of the 15th of January last, to his Lordship, the coming with Numbers, and in a violent manner forcing his Lordship's Tenants before our Magistrates is admitted, that upon this Admission his Lordship is the more obliged to

persevere in what he thinks is justly owing to his Government, vizt: the Delivery up of those you call the Rioters. To this I must say, it requires a skill in distinguishing & inferring, to which I have ever been utterly a Stranger, to find out how the saying that the Constable of Lancaster County, with such Assistance as he thought proper to take with him, went and apprehended some notorious Disturbers of the Peace within our Government, can be construed such an Admission. You seem also to make me apply the Articles of Agreement now in Agitation, to justify our Magistrates in granting that Warrant against Lowe's Sons, which was ever as far from my thoughts, as the other. No, Sir, the Foundation on which that Warrant was granted, could be no other than the certain knowledge that our Magistrate had that Lowe's Settlement is within the indisputable bounds of Pennsylvania; they well knew that it lies considerably more Northerly than Philadelphia, and by common Computation thirty Miles above the Northern Boundary of Maryland Sett. as I am well informed by Charles, Lord Proprietor of that Province, about fifty years since, and not long after the King's Grant for this Province, of the Bounds of which he was not unsensible, and according to which our Inhabitants, for the greater part of that time, have had a continual Possession, and therein they would undoubtedly have proceeded as they did, had the last Agreement never been entered into. Yet, as it was concluded, (and as such it is made no Secret here,) it certainly could not have any such Effect as to discourage them from doing their Duty, when they saw clearly that even by the plain and express terms of that Agreement, the place of Lowe's Settlements is several miles more Northerly than Philadelphia, fifteen miles below which the East and West Line, dividing the Provinces, when it is run must necessarily fall.

'Tis very true I have said the running of these Lines,

as stipulated by the Articles, is necessary for preventing further Disturbances, and putting an end to all controversies about Property as well as Government, between the two Provinces, and until I am better informed I must continue of the same Opinion. I am likewise of Opinion, that the Point in which you say his Lordship is so well satisfied, viz: that the Agreement can have no Effect till the Lines are run, is not necessary now to be insisted on, because our side of this Dispute can be very clearly supported, without having any recourse to that Agreement for Aid.

You further urge my Letter to our Justices of Kent, of the 9th of January, (not of the 30th of December,) from whence you say I am convinced of the weakness of my own Argument. But in this you mistake Equally as in the rest. An Agreement was entered into in 1724, at London, by the Proprietors on both Sides, as an Amicable Expedient for preventing all Disturbances between the two Governments, which according to their own Direction, was published by Proclamation, and tho' Limited to a Term, yet the subsequent and last words of it carry its Equity to all future time, so long as there was an Expectation of a Compleat Agreement, & so it was understood by your Predecessors, and especially by that Honourable Gentleman, Benedict Calvert, Esqr., who in the presence of divers Persons of Worth, agreed with me, both at Anapolis and Philadelphia, that it ought and should be observed by both Provinces as the best Expedient for the same good Purposes for which it was intended. That is, We agreed that none should be disturbed on either Side, who had been in possession in 1724, and we mutually declared against Shifting of Landlords, as it has been called. By the same Agreement of 1724, it is stipulated also, that no Surveys should be made near the Limits on either side, which by our Land Office, as I understand, has been carefully observed. Now how

this pacifick Agreement and what ensued upon it, should be construed in favour of Surveys made in Breach of it, is what surpasses my understanding; I am told, Indeed, you were pleased to declare when last at New Castle, that the Land Office of Maryland grant its Warrants at Large, and those who purchase them lay them at their own Risque, where they please, and no Man can call them to Account for so doing till the Division Lines are run. The plain consequence of which Position is that every Man who gets such a Warrant, has it in his Power to carry a part of Maryland where he pleases, and to scatter Pieces of it all over Pennsylvania as he thinks fitt, and then, from only calling himself the Lord Baltimore's Tenant, may commit the greatest Irregularities on that Spott, without being accountable to any other Authority than that of his Lordship.

But my Care to have my Sentiments clearly understood having carried me a greater length than I intended, I shall only take the Liberty to state the Case between Pennsylvania and Maryland as it appears to stand at present, and shall leave it to others to judge which Government has acted the most Neighbourly part in Regard to the other.

Charles, Lord Baltimore, of his own Authority, about fifty years since, thought fitt to sett a Northern Limit, to his own Province, which for many years after was reputed the Boundary of Maryland, and no other has ever yet been made, that we know of, till the late Agreement. Pennsylvania, to avoid differing with their Neighbours, and in a continual Expectation of having the Bounds Settled by the joint Agreement of both Proprietors, (tho' they thought their Province broke in upon,) have constantly kept to the Northward of those Bounds to this Day. Now a solemn Agreement is concluded between the Proprietors, for dividing the two Provinces by an East and West Line, which is ex-

pressed and directed, and in such Plain and clear Terms that it is evident it must run fifteen Miles more to the Southward than Philadelphia is scituated; while the Execution of this Agreement is in Agitation, Pennsylvania, or some of its Magistrates, find it necessary for Preservation of the Peace, to call some Persons who live, according to common Computation, thirty Miles to the Northward of the first Line run by Charles, Lord Baltimore, and several Miles more Northerly than Philadelphia, to account for some great Misdemeanours; Maryland at the same time, thinks fitt to extend its civil Authority all those thirty Miles beyond its former ancient Boundary, and twenty Miles beyond where they may well know the Line last agreed on must fall, and so must at least beyond what they have been known to possess or claim before. Now, Sir, upon this State of the Case, if I have not mistaken it, I could refer it to my Lord Baltimore himself who are the Aggressors, and whether it be possible for his Lordship to believe that Lowe's Affair could be set on foot on our Side, to obstruct the Execution of an Agreement upon which, be that how it will, it can have no influence.

I am,

Sir,

Your most humble Servant;

P. GORDON.

Addressed thus:

To the Honble Samuel Ogle, Esqr.

Lientenant Governor of Maryland.

Reply to a Positive Demand by Lord Baltimore for the
Delivery of Certain Persons Said to be involved in
the Border Differences.

MY LORD:

On the 21st I received yours of the 15th instant, with a positive demand on me to deliver to the Sherif of Dorset County, seven Persons named therein charged by several Affidavits, accompanying your Letter, with a Riot committed by them in the said County, within your Lordship's Province, and this you are pleased to call Levying of War, which is certainly a very hard term for a Rescue, as it appears at most to have been, and without any other View than to bring back a Prisoner, whom those People supposed to have been unjustly taken, and carried away from his own house. But by what ever name it is called, I find it is the same action which I mentioned with some Concern, in a Postscript to my Letter of the 15th of January, inclosing a Copy of what I had wrote a few days before, to our Justices of Kent County on the Subject, by which Copy your Lordship could not but be convinced, how highly Disagreeable to our Inclinations here that proceeding was, in every part of it, and how very far I am from countenancing any measures that might give the least Occasion of just offence to our Neighbours, with whom it has always been my care & study to live in friendship and cultivate a good Understanding. By the same also, your Lordship might observe, I required those Justices to transmit to me an exact account of that Action, and every particular relating to it, and I have since received their answer which is much short of what I expected. Yet in General, it represents the whole Affair so exceedingly wide and different from what the Affidavits your Lordship has sent me render it, that on the one Side or the other, there must be such gross mistakes, as that the Accounts appear no

way reconcileable. The Deponents in these Affidavits, are indeed the complaining Parties themselves, who therefore, doubtless have aggravated the Story their utmost, and those from whom our Justices could have the account of it might be as willing on the other hand to extenuate every Circumstance.

However, as I have always believed the doing of Justice to be the Principal duty in Life amongst all Men, and that it is more particularly Incumbent on those placed in the Station I am honoured with, and as it is evident those Men have committed a gross Mistake, I shall, without delay, give orders for apprehending them. But as the whole of this has arisen from these unhappy Disputes, too common amongst Borderers, where the People are apt to conceive they have different Interests, and from thence are easily irritated against Each other, I take it to be absolutely necessary that proper Endeavours should be used to come as nearly as possible to the exact truth of the Case, which in a Court of Either Government might not be so easily practicable; I therefore at the same time, give directions to some of our Justices of Kent, to invite some of yours of Dorset County, which I hope your Lordship will approve, to joyn with them in calling upon, and strictly examining on Oath or Affirmation, every Person whatever that can be found, who can give any account of the proceedings, or any matter relating to it, by which the whole Truth may be impartially collected and Known, and then I doubt not but I shall be able, and will endeavour to give your Lordship all the reasonable satisfaction you can desire.

This Affair, My Lord, I perceive by your Letter, appears very heinous in your Eyes, and your Lordship saw that from the very first Notice I had of it, I was far from approving it. I am however pleased to find, 'tis the first instance of this Kind within my time, and as far as I can learn, before it, that any of our People

have been charged with; for that other of which your Lordship so highly complains, I have fully shewn to be of a nature Entirely different. But on the other hand, I am well informed, clear and certain Proofs could Easily be had, of several very violent Acts committed by those of Maryland, upon the People of this Government, near the Borders, and of several who have been taken and long kept Prisoners; not for any violent Act or attempt on their parts, but solely on occasion of those perplexing Disputes about the Boundaries, which your Lordship so fully determined by the late Agreement to put an End to, and yet our Conduct has been so different that there has not, for the twenty years past, as I am well assured, been one Instance of any Person of Maryland committed to Prison, or even held to Bail by this Government, on these Disputes, (for Lowe's affair I must say is out of the Case,) one Wherry excepted, who being taken in a notorious Riot, was bound over to our Chester Court. Yet tho' the act was clear and indisputable, he was very easily dismissed and without Charge, on no other Consideration, (for his Behaviour no way entitled him to it,) than because the action arose on the foot of these Proprietary Differences between the two Provinces, for which favour he immediately after made the most ungratefull returns.

To the other part of your Lordship's Letter, relating to our Commissioners for executing the late Agreement, I intended to answer, together with this, by the same bearer, for which reason he has been the longer detained; but as that part not only affects our Honourable Proprietor, but all of us his Commissioners, and the extream bad Roads and Weather, not allowing us to meet so early as might otherwise be practicable, I am obliged to defer it till, pursuant to a late Resolution, I can more fully and clearly give you their Sentiments, not only on that part of your Lordship's Letter,

but on the whole Affair it relates to, which will be very soon dispatched by a Messenger on purpose.

Having some days since prepared Answers to your Lordship of the 24th of January, & Mr. Ogle's from Newcastle, inclosing it, which were to go by the first Opportunity, I now take this of the same bearer, to forward them, and begging your Lordship's Excuse for my being still obliged to use another Hand, my own being not yet sufficiently recovered. I remain, My Lord.

Your Lordship's

Most obedt. humble Servt.

P. GORDON.

Philadelphia, February 22, 1732-3.

To the Right Honourable,
The Lord Baltimore.

Letter to the Justices of the County of Kent with Regard to the Border Differences.

Philadelphia, February 26th, 1732-3.

GENTLEMEN:

In answer to mine of the 9th Ulto., I received yours of the 16th of the same, with your account, as it then came to your Knowledge, of the Fray in Dorset County in Maryland, occasioned by some of our Inhabitants too unadvisedly pursuing the under Sheriff of Dorset and his Company, into their Government, since which I have very lately received from the Lord Baltimore, a Letter of the 15th instant, with Copies of divers Affidavits taken by his Order, and made by his under Sheriff and those who attended him, Which Affidavits Charge those who went out of your County, with a Behaviour very widely different from the Account

you have rendered to me of that Action. Whereupon his Lordship has thought fit to demand of me that I would immediately order seven Persons, named in his Letter, vizt: Robert Howard, James Monsey, Samuel Brook, John Howard, Arthur Steel, Robert Meredith and one Mr. Chamney, to be delivered to the Sheriff of Dorset, to be proceeded against according to Law.

But as on the one hand, I will not fail to see that the Government of Maryland, or any particular Person in it, shall have Justice done them for any Injury they may have suffered by the People of this Government, so on the other hand, I shall not be willing to deliver up any of our Inhabitants to be tryed in another Province, until it appear that the nature of the Case requires it.

In the meantime, it is evident on their part, they highly aggravate what those from whom you have had your Account, may probably have as much extenuated; therefore, in Order to have the whole truth of the Fact in all its Circumstances, impartially collected and fully known, I hereby direct you to invite some of the Magistrates of Dorset County to join with you, and both in Maryland by their Authority, and by yours in Kent, to examine and take the Depositions of every credible Person whatsoever, that have any Knowledge of that Affair, concerning the whole and every part of it, without any Partiality, Favour or Resentment, that we may be the more fully Enabled to make a true Judgment, as well of the Action itself, as of the proper and just Measures that are to be taken thereupon, and hereof fail not to return me a Minute and particular Account. At the same time you are also to apprehend and take into Custody, those seven Persons above named, and either commit them or oblige them to find good Bail to appear at your next County Court, to answer to such Matters as will be laid to their Charge for that Action. For, as we have always till these unaccountable Broils were set on foot, lived amicably in

the main with our Neighbours, and have endeavoured to maintain Friendship and cultivate a good Understanding with them, we ought in Regard to Justice, and that our Government may be unblameable, to take all legal and proper Measures to give both that Government and all such Persons under it as have received an Injury from any of our Inhabitants all the reasonable satisfaction that the case requires.

And that you may be the better informed of what the Government of Maryland lays to those Persons' Charge, I herewith send you Copies of the Depositions transmitted to me, and in case the Magistrates of Dorset should on your Application, decline, as I hope they will not, to joint with you in this fair and Equitable Enquiry, you must nevertheless proceed in it; and in that case, should it so happen, you are still to be the more careful and Solicitous that the whole Truth without any byass be found out and represented, that there may not be the least Room left to suspect any manner of Injustice or Partiality. As also, to make a return of your Proceedings herein with all the Dispatch that conveniently may be, to me here, who am,

Gentlemen,

Your Loving Friend,

P. GORDON.

Introductory Speech to the Assembly.

MR SPEAKER & GENTLEMEN:

As I have constantly hitherto, had Reason to express my Satisfaction in the good Disposition and Zeal of the Representatives of this Province, for the Peace and Prosperity of their Country, and no less in their Regard and affection to me, I have not at this time on your Meeting pursuant to your last Adjourn-

ment, to proceed on public Business, the least Cause to doubt of the like hearty Inclinations and firm Resolutions on your Parts, to pursue with Unanimity and all reasonable Dispatch, the same good Ends. To the obtaining whereof I shall, as I have ever done, contribute my sincerest Endeavours, by which means we shall be mutually enabled the most effectually to secure the Tranquility and advance the true Honour & Interest of the whole.

And as I am now to lay before you such Heads as may call for your serious Thoughts and Application, I shall first observe that while Britain, our Mother Country, by the vigilant Care and Paternal Affection of the best of Princes, Our most gracious Sovereign fully enjoys the great Blessings of Peace and Plenty, yet divers of her Colonies find themselves distressed by the lowness of the Markets for the Staple Commodities, wherein their Trade consists. Nor are we in this Case happier than the rest. Whatever means therefore can be found in any Measure to relieve us, you will doubtless believe it incumbent on them to apply them. Now, Tho' the good Effects of the Regulations made some few years since, for retrieving the Credit of our Flour, which had once been in the highest Reputation, were for some time after very visible, yet whether from a Defect in the Law itself, or Negligence in executing it, I find our Merchants again heavily complain of the discouraging Accounts they receive from their Factors abroad, of the Badness of the greater Part of it that has of late been Shipped from this Port, I hope therefore, to mention this is sufficient to induce you to make a further suitable Provision for rendring effectual what was before so laudably intended.

The frequent Shipwrecks in this Bay, occasion chiefly, as 'tis said, by the Difficulty of its Navigation, have of late been the Subject of much Discourse. I find many are desirous, that according to the Practice of other

Countries in the like Cases, Buoys should be placed, to mark out the Channels, and Pilots appointed under proper Qualifications. This, 'tis conceived, would tend to the security of our Shipping and Increase of our trade, and the Charge, in my Opinion, might easily be supported by a small rate, to be imposed on every Vessel, according to her Tonnage. I cannot, therefore, but join in likewise recommending a Proposal of this Nature to your Consideration.

I hope it will be agreeable to you, Gentlemen, to know that the Chief of the Six Nations and Shawanese Indians, having, pursuant to the Invitation given them, visited us last Fall, we have entred into further Treaties with them for strengthening that Friendship which has so long been preserved inviolable between them and us. And as I cannot doubt but you are fully sensible the Continuance of a perfect good Understanding with the Indians, and our Endeavours to improve it, contribute not only to our Security, but to the Advancement of the British Interest in general, I perswade myself the Expence on this Occasion, tho' somewhat large, will be chearfully defrayed, especially when 'tis considered that for some years before the Publick has been at little, if any, Charge on these Affairs.

Gentlemen:

The Assembly of the preceeding year having at their last sessions, had the pleasure of congratulating one of our Honourable Proprietors on his safe and long wished for arrival amongst us, the Inhabitants of this Province may now, 'tis hoped, be made sensible of the happy effects of his visit, by the Establishment of Property, not only to those who previously had any just rights to claim, but also to others whose peaceable behaviour may have recommended them to his regard.

20 March, 1733.

Further Letter to Lord Baltimore Concerning the
Maryland Border Troubles.

MY LORD:

When I last had the Honour to write to your Lordship, I was then in hopes I should have soon after been able to send your Lordship a final Answer to yours of the 15th Ult., but the fulfilling my Orders to the Justices of Kent, necessarily demanding a good deal of time, and afterwards being commanded by Our Honourable Proprietor, now here, to lay before our Commissioners that part of your Lordship's Letter concerning their conduct when last at Newcastle, and to hear what they should think fitt to say on the Subject, I have been obliged to defer my answer much longer than I expected, and your Lordship will give me Leave to say that the several charges in your Letter, both against this Government in General and our Commissioners in particular, make it unavoidably necessary to trouble your Lordship with a longer Letter than may be pleasing to you or agreeable to myself; But to be as brief as possible. In answer to the first part of your Lordship's Letter, I must crave Leave to refer you to the inclosed Copys of the Letter from our Justices of Kent to yours of Dorset, and of their Answer, by which it will appear with what Candour ours proceeded in taking the Depositions about the Squabble that happened between some of our People and yours at Cooper's house, in Dorset, of which your Lordship so highly complains. I have likewise sent inclosed to your Lordship Copies of the Depositions of several Persons taken upon that Occasion, amongst whom are some who call themselves your Lordship's tenants, and others who were no Parties in the Fray, and who must be supposed, being Persons unconcerned, the most likely to speak truth. These Affidavits, My Lord, were taken at different times, and before different Magis-

trates, and some of them in the presence of the High Sheriff of Dorset County, and one Mr. Ennalls, who, tho' much importuned, could not be prevailed upon to stay and hear the whole. But I hope they are taken, I am sure it was my Orders, with all due Impartiality, between which and those sent by your Lordship, there is this manifest Difference, that three of these last are Emitted by Persons of the same Name, Sullivan, in all likelyhood Brothers, and who, with the other two that have likewise deposed, were all Parties, and seem to shew a very high Resentment on their being beaten. Upon summing up the whole, your Lordship will observe the facts stand thus:

That the Land on which Newton was seated had been Surveyed under this Government sixteen years before this Fray; that the Possessors for many years paid their Levies to the same; that the shifting of Landlords, which on both sides has been disapproved, was from ours to yours, to the wrong of this Government; that the last Possessors discovering on a search for his Title, that he could claim none from Maryland, found it necessary for supporting his Right to own the Government by whose Authority it had been Surveyed, because otherwise he would have none at all, and for this Reason concluded he had no Concern with Maryland nor Maryland with him, that he defended himself upon his Plantation, and believed he had convinced the Officer of Maryland that he had good Right so to do; that being afterwards carried by force out of it, and the Neighborhood having been treated with great contempt, insulted and bravoed by those of Maryland, who took him away, some hott fellows pursued the Challengers of their County, resolving to have their Manhood tryed on both sides, but without any manner of Arms; made no Demand to have Newton, nor so much as saw him; Entered not Cooper's house without his Leave first freely granted; received the first blows.

and only returned them till they had taken what they thought Satisfaction.

Now my Lord, tho' I am far from countenancing boxing Matches, even upon the greatest Provocations, and your Lordship is sensible from the Copy of my Letter to our Justices, now in your Lordship's hands, how absolutely we disapprove of all such Proceedings; yet I hope it will not be expected, because your Lordship has thought fitt to call this scuffle by the name of a Riot, or a Levying of War upon His Majesty's Subjects. (which, if it can mean any thing must be High Treason,) that therefore I must allow it to be so, and in Consequence of that deliver up those heedless fellows, who had neither Riots or Treason in their heads, to be tryed for their Lives in Maryland. No, my Lord, I rather believe your Lordship will approve of my following your own Example as far as I am capable, of being as critically nice in point of Justice to His Majesty's Subjects under my Care as your Lordship is of the Protection of those under yours. And tho' I cannot help being of Opinion that this Affair, at another time, would not have been much regarded by the Government of Maryland, yet as things seem to be circumstanced at present, it is not very likely that your Lordship will allow this Government to be Impartial Judges in the matter, nor that we should believe, after such Resentments shewn by your Lordship, that Maryland will be so. Now, as pursuant to my Order to the Justices, these Men are taken up and bound over to appear, if your Lordship will think fitt to joyn with me in a fair and candid Representation of the Case to our Supervisors at Home, where it will be more indifferently judged of, I am persuaded nothing can prove more acceptable to His Sacred Majesty, or be found more consistent with strict and Equal Justice; therefore this Proposal, as it is both reasonable and honourable, cannot fail of giving your Lordship Entire Satisfaction.

But pardon me, my Lord, if I cannot here avoid mentioning a very unpleasant Circumstance attending this Affair, which is, that it must appear exceeding strange to all indifferent Persons to find that after Newton having been suffered by the Magistrates of Dorset to pay his Levies to this Government for several years, if I mistake not, the time chosen for seizing and making him a Prisoner should be just upon or very soon after your Lordship's Arrival, when all Men might most reasonably expect from the solemn and pacific Agreement between your Lordship and our Proprietors, then with all speed to be executed, a final Period was to be putt to all such unnatural Differences. The like observation also holds on the Countenance given to those heinous and insufferable Insults and Abuses committed above Conestogoe, on the west side of Sasquehannah, in a place that neither is, was, or ever can be within Maryland. These, my Lord, are Points that must either have been managed without your Lordship's Knowledge, or otherwise must have a tendency to something time only can explain. This Government and yours, my Lord, have been Neighbors these fifty years past, they are the two most considerable Proprietary Governments in the British Dominions, and they ought, undoubtedly, for many Reasons, to maintain a friendly and mutual good Understanding with each other. We have labored for this on our Side by all the just and reasonable Measures in our Power, why the contrary should now break out on your part, just on your Lordship's Arrival, is what will, I believe, appear astonishing to all lovers of Peace and of impartial Justice.

But to proceed to the other part of your Lordships Letter, relating to the Conduct of our Commissioners when last at Newcastle, especially where you are pleased to say that they have, in divers Circumstances, too plainly shewn a design to Violate the Measures entred into in that particular, and taxing them with a

misbehaviour to your Lordship's Commissioners at Newcastle.

This indeed, my Lord, is a very strange Charge on Men who have at other times been represented as exceeding fond of the late Agreement between your Lordship and our Proprietors, and abundantly proves what we could formerly very easily guess at from our first meeting your Commissioners, who then, as at other times since, would never allow any besides the Commissioners themselves to be present, and obstinately refused the admission of Clerks to take Minutes of our joint Proceedings, which if taken would effectually have prevented such Misrepresentations as must have produced that Letter; wherein you are likewise pleased to say that our Commissioners wilfully and obstinately neglected to meet yours on the third of February, pursuant to the Adjournment on the Second. But to this, as well as the other Charges against our Commissioners, I think it will be most proper to give your Lordship for Answer a brief Extract of the principal facts contained in their Report to our Proprietor, after their return from Newcastle, which are these:—

That on the first day of February the Commissioners on both sides mett at Newcastle, and agreed to meet again next Morning at ten o'clock, in a Chamber of the Court House; that our Commissioners waited for yours above an hour after that time without any Complaint or Signs of Uneasiness, that your Lordship's Commissioners renewed their former Objection about the Center of the Circle mentioned in the Articles, and tho' they had obtain'd of ours an Adjournment of three Months, on purpose to Consult your Lordship (your Arrival being then daily expected) about fixing the Center, as they pretended, yet after all this delay, when ours expected that yours had been fully directed in that point, they declared that your Lordship having delegated your Power to them by your Commission, would

not interfere in their proceedings; That both in the forenoon and afternoon of the same day, a very extraordinary matter was offered by those of Maryland, that required, as 'twas said, some Consultation with Artists, upon which an Adjournment being proposed, the hours of ten and Eleven next morning were named: our Commissioners understood Eleven was the hour concluded on, and had the good fortune to be confirmed in it by some of yours, but as they must have No Minutes, Each it seems was left to his Liberty to hear or understand as he pleased. That our Commissioners hearing about Eleven on Saturday morning, that yours were gone to the Court House, three of our hastened thither, while the other two, of whom one was then much indisposed by the Gout, were detained in finishing and getting Copies transcribed of a Paper to be delivered to your Commissioners, in answer to the objection started; that one of our three being called out to deliver a Paper, was desired to go and press the other two to dispatch, the better to do which he staid with them. During this stay, which they all agree was less than an hour, those repeated declarations made by your Commissioners of breaking up the Meeting for the Non-attendance of ours, as your Letter says, must have been intended, which if so made, were certainly unkind and ungenerous, Since it was neither through slight to your Lordship's Commissioners or Disregard to the Business, but pure respect to both, with an ardent desire to do Justice to Reason and truth, that prevented them of the Pleasure of waiting on yours Earlier. But my Lord, whatever Declarations of this Nature might pass between your Lordship's Commissioners themselves, I cannot find by the Gentlemen who were left at the Court House, vizt: Messrs. Norris and Preston, whose Characters are well known in Maryland, that any such Declarations were made to them, further than that Mr. Ogle appeared impatient, and said he would not stay,

which your Lordship, in your Caudour will doubtless own, differs vastly from breaking up the meeting in the acceptation such words are always used.

But, my Lord, in the Representations made to you before writing that Letter, we must conclude that you could not have then learn't that immediately on your Commissioners leaving the Court House ours applyed to them to return, urging that a good deal of Business might still be done before dinner; that tho' your Commissioners absolutely refused to meet on business, yet those on both sides, except the Gentleman that was indisposed, dined sociably together; that ours were exceeding nice in their Behaviour to yours, then their Guests, that they did not mention one Word of what had passed, nor so much as touched upon their Business; Yet that after parting they were so mindful of it as to apply again to yours for a meeting, but your Lordship's Commissioners insisting that they could not answer it to your Lordship to give up any advantage gained by the pretended failure; and the dispersing themselves about the Town, as it were by design, Ours were obliged to give them Notice, both by word and writing, to meet at the Courthouse at six o'clock in the Evening, which being wholly disregarded, our Commissioners again agreed to give new Notices to meet on the Monday following, and tho' access was denied to some of your Lordship's Commissioners, Yet means were found to serve three of them therewith, which they still continued so far to Disregard that they all left Newcastle on Sunday & returned to Maryland. Now as all these, My Lord, are real Facts, and Facts your Lordship knows are obstinate things, My Respect for your Lordship will not allow me to give you the uneasiness that would arise on collating these with the several Expressions in your Lordship's Letter, for you must then be sensible of the Inconsistency there is between a zeal in your Commissioners hastning to New-

castle some days before they could, by the last Adjournment, have any Business there, and their precipitant haste in leaving it when the Business of their Commissioners was actually treating and our Commissioners very diligently applying to it. You would further, also see what foundation your Lordship has to intitle yourself to the forfeiture incurred, as your Letter says, by the Commissioners of Pennsylvania, for we Conceive it is not possible that your Lordship should not well know, or that you will imagine we do not know, that no failure of an hour or two or three in meeting the same day, can possibly incur the Forfeiture of a Penalty laid in any such terms as that mentioned in the Articles is expressed in, so that it may be easily discerned whose Commissioners they are who, in divers Circumstances, have so plainly Shewn a design to Violate the Measures entred into in that particular.

As to the meeting proposed by your Lordship at Joppa, which after a good deal of Enquiry, we are informed is a village of two or three houses, Scituate on the West Side of Chesapeak Bay, and about Sixty or Seventy Miles distant from Newcastle, which last place, both by the Articles of Agreement and the Consent of your own Commissioners, is allowed to be the only proper one for beginning the Work, Our Commissioners would have been glad to have been told Seriously by your Lordship what Business they can possibly have to do at Joppa; they conceive they can have none that will call them within many Miles of it; and further add, that having always behaved themselves towards your Lordship's Commissioners with the greatest civility, even from a Personal Regard for several of these worthy Gentlemen, they must consider your Lordship's Insinuation of some things being attempted by them upon your Commissioners, as a piece of Riddle only.—Upon the whole my Lord, Our Commission-

ers being of Opinion that your Lordship has no Power to appoint a meeting, but that this is wholly lodged in the Commissioners; and being conscious to themselves that they accepted their Commission with a firm Resolution, on their parts to execute it with all the fairness, Candour and Dispatch enjoyned by the Articles, and with all decent Respect towards your Commissioners, have as a further Proof of the Sincerity of their Intentions, (tho' by the great delays given by your Commissioners the proper Season of the year for running Lines, &c. in the woods is far advanced,) sent your Lordship's Commissioners Notice to meet on the 16th of April ensuing, at the Town of Newcastle, the place appointed, and where alone we can begin to run the Circle mentioned in the Articles of Agreement.

I am, My Lord,

Your Lordship's most

Obedient humble Servant,

P. GORDON.

Philadelphia, March 28th, 1734.

To the Right Honourable

The Lord Baltimore.

To the Assembly upon Learning that the House, Questioning the Authority of the Governor in the Absence of a New Commission from the New Proprietaries, was Contemplating Adjournment.

GENTLEMEN:

I am under some Concern to find that your House is inclined to rise and leave several matters of great Importance to the Country unfinished.

I was in hopes that pursuant to your Resolves made the former session, you would have now revived the

Excise on Liquors, which is not only a necessary fund for the discharge of the public Debt, but being re-established, may give a seasonable Check to that Looseness and Debauchery which begins and will continue to overspread the Province by the unlimited number of the Retailers of Rum and Increase of Dram Shops.

The repeated Complaints of the Merchants touching the Abuses in our Flour, deserve likewise, to be considered by proper Amendments to the Bill, now in force, for regulating that great Branch of our Trade.

These are Points that nearly affect us, and it would be very satisfactory to me to know what it is that prevents your house from entering into the Consideration of them at this your present meeting.

P. GORDON.

11th Augst, 1733.

Introductory Speech to the Assembly.

GENTLEMEN:

Thé Business of the Country having at the last Session of the preceeding Assembly, met with unforeseen Obstructions. I resolved at your first Meeting, to have recommended to you the Dispatch of those Affairs which the Public Service more necessarily required, but having a few days before received Notice that our present worthy Proprietaries had done me the Honour of continuing me their Lieutenant under a new Appointment, issued with the Royal Approbation, and that it was incumbent on me, in pursuance of an Instruction under His Majesty's Royal Sign Manual then put into my Hands, to qualify myself thereto, by taking the Oaths and executing the usual Security before the Governor of Virginia, I thought proper to defer Entering on any Business till I had paid due Obedience to

the Royal Commands, which being now fulfilled, it is with Pleasure I meet this Assembly, of whom I entertain so good an Opinion, that I am persuaded they will not omit any thing in their Power, conducive to the real Happiness of this Province, or the true Interest of those they represent.

Amongst the Matters formerly recommended by me, and yet remaining to be considered by the Legislature, there are two which from their Importance will I hope, be the first Subjects of your Attention; I mean the Regulations necessary in our Flour, and the Revival of the Excise on Liquors. The Credit of the main Branch of our Trade, and the Interest as well of the Farmer as Merchant depend on the first, and without the other the Publick Debts will, I am afraid, increase so much as to render a Provincial Tax requisite. It may not be improper, while the last of these is under your Consideration, to enquire whether the Funds appropriated for defraying the ordinary and extraordinary Charges of Government are Sufficient for that End. If they are not, it will be incumbent on you to make further Provision, in such manner as may best suit the Circumstances of the Province.

I forbear mentioning at present some other Affairs, because if they do not arise from yourselves, in the Course of your Proceedings, they may hereafter be communicated by Message, and shall only add, that as we enjoy Peace under the Protection of a Sovereign who makes the good of His Subjects the Rule of His Government, and are happy in Proprietaries who on all Occasions manifest their Regard and Concern for our Welfare, We ought, with a becoming Unanimity in general, and more particularly in our Councils, to shew ourselves truly thankful, by pursuing those Measures that may best advance the Reputation of this Colony, and most effectually Contribute to the Advantage of all its Inhabitants, from whom I have, ever since my

Arrival here, received such Testimonies of Good will and Affection, as lay me under the strongest Obligations of rendering them the most agreeable Services in my Power.

18th Decr., 1733.

To the Assembly Concerning a Bill for Reviving the Excise.

UPON THE WHOLE OF THIS BILL IT WILL BE necessary further to consider, that the prevailing practice of drinking Rum in this Province, and the debauchery introduced by the vast Consumption of it is the crying Sin and disease of the Country; not only Numbers of Single Persons but Families are ruined by it; therefore, nothing can better deserve the thought and Application of the Legislature, than to find out proper measures for giving a check to, and restraining, this Abuse, which must be allowed to be of much greater Importance to the welfare of the Country, than the raising of Money from it. But by this Bill such a restraint does not appear to be provided. The allowing no Person a permit who shall not pay three pounds in the year for Duties, may in some measure prevent the Increase of very small Retailers, but on the other hand, it will encourage those who take Permits, to use all the means in their power to Promote the Consumption, that they may not pay any part of that three pounds for nothing.

There is no restraint on those fatal tippling places in the Country, and in the outer Skirts of the town. Cellars, and such places; but the whole depends on the Officer's pleasure who, as he undertakes the business with a view to his own gain, it cannot be expected that he will take any measures to restrain and shorten the

Number of Retailers; nor are the permitted Persons laid under any ties or Obligations to keep good Orders, so that from such a Power at large, the Inconveniences complained of may rather be increased than lessened. But further it may be found difficult to assign a good Reason why any other Persons than those, who being licensed to keep publick houses, (are by the Laws and the Security they give, Obligated to keep good Orders,) should be allowed to Retail any such Liquors, excepting only Mills, Stores and Shops, all of whom should be made fineable, if they suffer any tippling where they sell, or any disorders to arise at their Mills, Houses, or respective Places, by means of the Liquors they vend there. And this is most Seriously recommended to the consideration of the House, that now, on this Occasion, the best provision may be made that can be thought of, against those vast Disorders that tend, not only to the Dishonour and Reproach of the Government, but to the Ruin of so many of the Inhabitants.

4th Janry, 1734.

To the Assembly on the Payment of Certain Arrears.

IT APPEARS EVIDENT TO THE GOVERNOR IN Council, that some further Directions for the Payment of the Arrears of the £1300 is necessary, and he is of Opinion that when the Assembly reconsiders it, they will be equally sensible of the same, for that Sum is lent from the Loan Office by a Law it directs the Payment by Laws which are all now expired, and therefore, as it was lent by a Law, the like Security should be provided for the Payment of it. It's proposed the following Clause should be inserted instead of that beginning at the Letter N.

And the said Treasurer, out of the moneys by him

to be received, of the Collectors aforesaid, shall duly pay into the Trustees of the General Loan Office of this Province, the Quotas yet remaining unpaid, of the said Thirteen hundred Pounds, as the same shall become due, in the manner directed by the first recited Act, for making current Thirty thousand Pounds in Bills of Credit, & for the Remainder of the said Moneys, shall be accountable to the General Assembly of this Province.

9th Janry, 1734.

To the Assembly Concerning the Appointment of Officers in Case of Death or Removal.

AS NO ACT BY WHICH ANY OFFICER IS TO BE appointed can be in force, till the Governor in whom by the Language not only of the Royal Charter, but also of the Acts themselves, at least one half of the Power of Legislature is invested, thinks fitt to approve & concur with the same, So it must appear inconsistent that any future Appointment should be made, for executing any such Act, without the like Concurrence. The Governor therefore thinks it incumbent on him, not so much in Regard to himself, as in behalf of the Proprietor's Original Rights, to declare that he conceives he has an Equal Power in nominating any Subsequent Officers that he has at first.

14th Janry, 1734.

To the Assembly Concerning Appointments.

THE GOVERNOR IS STILL OF OPINION THAT the Amendments he proposes are for the Reasons already assigned, just and reasonable, and would, if agreed to by the House, render the Subsequent Appointment of Officers less liable to Exception. But as

the Words contended for by the House, stand in the same manner in the Act now in force for regulating Bread and Flour, and as this Bill is thought to be of very great Importance to the whole Province, the Governor will not so far insist on the Amendments at present, as to risque the losing of so beneficial a Bill: still conceiving that by these very Words: "UNTIL THE ASSEMBLY APPOINTS ANOTHER," no Appointment can be made but in a regular and proper manner, to which his Concurrence must still be believed necessary.

17th Janry, 1734.

To the Assembly Concerning the Advantage of an Agent in London.

GENTLEMEN:

I have received divers Letters of late from Mr. Paris, the Agent, complaining of a Defect in the manner of his Appointment, which he proposes to be remedied by an Act establishing the Agency, and ascertaining a competent yearly Allowance for it, and I doubt not but in his Letter to the Committee of Correspondence, he has wrote in much the same terms. It must be acknowledged that his Accounts run high, and beyond what has been generally known in this Province, but it will be necessary to consider that this Government has not, hitherto, had an Affair to negotiate that required an Expence in any measure comparable to what must naturally be expected to attend a Matter of such Importance carried on by the united Interest of these wealthy Sugar Islands, which all the Northern Colonies being on the other hand obliged to oppose, it can scarce be thought possible that our Agent joyning in the common Cause, could act in a

manner altogether disproportionate to that of our Neighbours, but 'tis to be hoped that such an Occasion will rarely present again; yet if it should so happen, we ought not to be wanting to ourselves. And as you are fully sensible of the Advantage it is in all such Cases, to have an able and Experienced Person in Britain for the managing and transacting the necessary Business of the Province, I must recommend to you, that when other matters relating to the Agent are moved in your House, you will take into Consideration what is proposed by him, and make such Provision for rendring his Powers competent, and for enabling him cearfully to apply himself to our Affairs, by a suitable Encouragement, as the necessity of the Appointment, and the Fatigue and Trouble it occasions, does require.

P. GORDON.

17th Janry, 1734.

To the Assembly Concerning an Act for the More Easy Recovery of Small Debts.

SCARCE ANYTHING CONTRIBUTES MORE TO the Honour of a Government than the Goodness of its Laws, which ought always to be concise and plain, as well as just, and all Parts of the Legislature should use their utmost application to render them such. But this Bill called An Act for the more easy Recovery of Small Debts, &c. is so far from being thus qualified; that besides its being exceeding long and ill expressed, it can never, as 'tis conceived, answer the End proposed by it, or contribute to the Ease of the Subject. It requires an unreasonable Attendance of the Justices; it lays a Burthen on Constables which is no part of their Duty, nor within the Intendment of their Appointment, and requires more of both these

Officers than can be expected from any of them, who must necessarily be appointed in Parts where others more capable are not to be found. It puts the Creditor in many Cases, in a worse Condition than he would be without it, and enables the Debtor to perplex and give his Creditor more Trouble than before. 'Tis certain the whole Practice of the Courts wants to be reformed, and it is a crying Oppression that easier methods are not found to obtain common justice in most Cases, and more especially in those of small Debts, but 'tis plain what is here proposed will by no means answer that End, therefore it will be requisite to consider of some summary Method more practicable.

19th Janry, 1734.

Philadelphia, August 10th, 1734.

Letter to the Lieutenant Governor of Virginia Concerning Certain Murders Committed by the Ganaway Indians.

DEAR SIR:

I am heartily sorry for the occasion of your last Letter touching the Murther committed by the Conay (or as we write them Ganawese) Indians, which I no sooner read, than from many concurring Circumstances, I concluded it to be the same fact which had meen charged on them about fourteen months since. What pains this Government took to Enquire into that matter, & how the Indians acquitted themselves, you will see by the inclosed Extracts from the Minutes of our Conferences with them on that subject, and as no Complaint came from Virginia, what was said in their Justification had the greater Weight & more easily obtained Credit with us. But the time

differing from that mentioned in your Letter, to witt: last April, which probably has been mistaken for April 1733, I must beg you to satisfy me on this Point before I proceed farther in the Affair. In the mean time I have dispatched orders to the Magistrates living nearest to the settlements of those Indians to goe amongst them, & without causing Suspicion or alarming them, to make such proper Enquiries as may facilitate the Execution of those Measures I shall take for bringing the Offenders to Punishment, & you may be assured that nothing in my Power, for this End, shall be wanting.

I beg mine & my family's Compliments may be made to my good friends with you, & I am very truly,
Sr,

Your most affectionate and oblig'd humble Servant,

P. GORDON.

For His Majesty's Service,

To the Honble William Gooch, Esqr.,
Governor of Virginia.

Letter to the Justices of the Border Counties Concerning the Preservation of Peace along the Borders.

GENTLEMEN:

You are not, I believe, insensible how much the whole Country has been disappoint'd in the just hopes which had been entertained of seeing a final period put to those long depending Disputes between this Government & that of Maryland, touching their respective boundaries, by the Execution of the Solemn Agreement concluded between the Proprietaries of each. It is however no small Satisfaction to me, that I can now acquaint you that this Agreement, with the

Proceedings of the Commissioners thereon, having been laid before his Majesty's Attorney & Solicitor General, we have had the pleasure of lately receiving their Opinion, that the Agreement still remains valid and binding on both Proprietaries, altho' their Commissioners, by Reason of Difference in Sentiments, have not carried it into execution. Now as the Northern bounds, formerly sett by Lord Baltimore to himself differ not much from those lately agreed upon, I know not how we can judge better or with more certainty, of any bounds by which we can limit our present jurisdiction, than near the place where it is known they will fall when the lines shall be actually run.

In the mean time that a stop may be put to any further insults on the People of this Government, and to Incroachments on Lands within the bounds of the same, I am again to renew to you those pressing Instances I have repeatedly made, that agreeable to the Duty of your Stations, you exert your utmost Endeavours for preserving Peace throughout your County, and protecting all the Inhabitants in their just and right Possessions, in the legal & necessary defence of which every person ought to be encouraged to appear with Boldness, and to be assured of receiving all the Countenance that lawfull authority can give. And as the late Disturbances have been in a great measure owing to the unjust Attempts of those, who pretending Right to, or claiming disputed Lands, under that pretence have come many miles into this Province, and with force possessed themselves of Lands for which they can have no lawfull Grant from any other persons but our Honourable Proprietors only, and have likewise committed very great Violences upon sundry of our inhabitants, You are to give strict Orders for apprehending & securing all such who have been Principals or Accessaries therein, as well as those who hereafter shall presume to offer any Injury to the persons or

Professions of his Majesty's peaceable subjects, or encroach on any Lands within the known & reputed Limits of your County, that they may be brought to condign punishment. But as in the year 1724, it was agreed "that for avoiding all manner of Contention or Difference between the Inhabitants of the two Provinces, no Person or Persons should be disturbed or molested in their Possessions they then held on either side," you are desired still to have a particular regard to those entituled to the benefit of that Agreement, while they behave themselves peaceably.

And to the End that these directions be punctually observed and complied with, you are to order the Sheriff of the County, with his Officers, frequently to visit your Borders, and those parts where either late Disturbances have happened, or any thing to the Prejudice of the People is like to be attempted, giving all needfull Assistance wherever it may be requisite. I should likewise promise myself much good from some of your number making a Progress thro' these parts, when your Conveniency would admitt, or any Exigency may require it, depending on your Prudence, that whatever measures you shall take for the defence of the Inhabitants, and for seizing and securing Offenders, will be such as that we may be at no Loss whenever called upon to justify them.

I am,

Gent.,

Your Loving Friend, and humble Servt.

P. GORDON.

19th Augst., 1734.

Introductory Speech to the Assembly.

MR. SPEAKER AND GENTLEMEN:

It is with much Pleasure that I again see the Representatives of the good People of this Province met in General Assembly, and I joyfully embrace the Opportunity now given me, of congratulating the Country on the late happy Arrival of the eldest of our Proprietaries amongst us, whose Affectionate Concern for the Welfare of Pennsylvania, the Place of his Birth, and for the Happiness of all its Inhabitants, will, I am perswaded, no less entitle him to their Regard and Esteem, than his Personal Merits endear him to all that know him.

As it has not been usual for the Assemblies of this Province to enter on any Business of Moment at their first Meeting, I have generally delayed laying any Matters before them till their second Session. But at this time I conceive it to be incumbent on me, and agreeable to the constant Professions I have made of my hearty Inclinations to promote and advance as far as lies in my Power, the true Interest of this Government, in which I shall ever chuse to have the Advice of its Representatives, to communicate to you the Purport of a Letter I have very lately received from the Secretary to my Lords Commissioners for Trade & Plantations, desiring my Opinion what further Encouragements may be necessary to engage the Inhabitants of the British Colonies on the Continent of America, particularly of those within my Government, to apply their Industry to the Cultivation of Naval Stores of all kinds, and likewise of such other Products as may be proper for the soil of the said Colonies, and do not interfere with the Trade or Produce of Great Britain. My Answer hereunto is expected as soon as possible, that their Lordships may have time to consider of it before making their Report on this Subject, at the Be-

gioning of the next Session of Parliament, which may be about Christmas next.

As this Province, Gentlemen, produces, tho' in but too small Quantities, sundry Commodities which Britain is obliged to purchase from other Nations, and may be further capable of great Improvements, no ways interfering with the Trade and real Interest of our Mother Country, it is our immediate Duty on this Occasion, to apply all our Thoughts to consider what Progress may be made in those Manufactures which our Soil and Climate will admit of, and what may be proper to be proposed as Encouragements for inciting our Industry thereto. Nothing will give me greater Satisfaction than to be able, on these Points, to deliver my Opinion consistent with the general sense of the People whom you now represent.

The usual Business of the year, and what the Publick Service shall point out as necessary, will no doubt come under your Consideration at your subsequent Sessions, and I flatter myself the Experience you have had of my past Conduct, makes it unnecessary for me to add to those Assurances which I have constantly given, of contributing my utmost for the Honour and Advantage of a Province that has deserved so well of me.

15th Octr., 1734.

Letter to the Lords Commissioners of Trades and Plantations Concerning Certain Products of the Province.

Philadelphia, October 31st, 1734.

TO THE RIGHT HONOURABLE THE LORDS
Commissioners for Trade & Plantations,
My Lords:

The Regard your Lordships have shewn for the Welfare of His Majesities Colonies on this Continent, by

giving them an Opportunity of representing what may be further Necessary for the Encouragement in raising Naval Stores, and other Commodities fit for Britain, deserves very particular Acknowledgements, & I am, in behalf of this Province, to make them to your Lordships on this Occasion.

Your Secretary's Letter on this Subject, with its Duplicate, did not reach my hands till the latter end of last Month, and before I proceed to Answer it by this first Conveyance that has since offered for London, I must beg Leave to observe to your Lordships, that it is the whole study of the Merchants here, to contrive ways for making Returns to Britain to pay for those great Quantities of their Manufactures that are daily brought hither, and it is not without the utmost Difficulty that they are able to accomplish it. Whatever Encouragements therefore are given for such Commodities as this Country is capable of producing, fit for Returns directly to Britain, will manifestly tend to increase our Importations from thence.

Of Naval Stores, my Lords, this Province produces those two valuable Commodities, Hemp and Iron.

The first has not as yet been raised in any great Quantities, the price of Labour being high, tho' many are going upon it; but as there are large tracts of Land fit for that Produce, it is to be hoped that a Continuance of the same Bounty now given, may in time, when Wages are lowered by the Number of Inhabitants, enable us to make considerable Returns in it.

As to Iron, is it generally allowed that what is produced here is as fine and good as any whatsoever, but the great Expence that attends Works of that kind, in a Country where Labour is so dear, has given no small Damp to these Undertakings. On a suitable Encouragement I am perswaded that this Province, and some of the adjacent Colonies, may be able to import such Quantities of Pig Metal and Bar Iron, as

may very greatly abate the necessity Britain has hitherto lain under, of supplying itself therewith on disadvantageous terms, from foreign Nations.

Flax is likewise found to agree so well with our Soil, that it is not to be doubted but a very considerable Progress may soon be made in this Commodity, of which great Quantities are imported from other Nations into Britain, and your Lordships are so sensible of the constant Demand there is for it, that if large Supplies can be furnished by His Majesty's Colonies, no Manufacture may better deserve an Encouragement or contribute more to discharge the Debt incurred by the Importation of British Goods.

The Mulberry Tree is likewise so natural to our Soil, growing wild in the rich Lands; and the Silk Worm thrives so well, that there is a distant Prospect of some advances towards a Silk Manufacture, which, as it affords Employment for the weakest hands, would be of the utmost advantage. Some amongst us have shewn how practicable a Design of this kind is, by making some small Quantities, not inferior as I am informed, in Goodness & Fineness, to the best from France or Italy; but Persons are wanting to lead us into the way of winding it from the Balls, which I understand to be the most difficult part of the Work. But as in time this difficulty may be surmounted, I cannot but recommend likewise a Manufacture of this kind as deserving the greatest Encouragement, since by the promoting a valuable addition may be made to the Trade of Great Britain.

There have been likewise some small Essays towards making Potashes, & from what I have both heard & seen, there is Reason to conclude that a Design of this kind may with Industry, if encouraged, be considerably advanced.

What may be proper to be proposed as Encourage

ments on all or any of those Commodities I have mentioned, must be left entirely to your Lordships, whose great Knowledge of the general trading Interest of Britain, and of the ballance of Trade between that Kingdom and those Nations from whence such Merchandizes are brought, enables your Lordships to judge in this particular more clearly, what may best conduce to the Benefit of Great Britain, and to the good of its Colonies.

I beg leave to acquaint your Lordships that the Circumstances of this Province are so little varied from what they were in the year 1731, when I returned an Answer to the Queries then sent me, that any alteration in that Answer appears at this time unnecessary. I am with Esteem,

My Lords,

Your Lordships'

Most Obedient, humble Servt.

P. GORDON.

Speech to the Assembly, Concerning the Proposed Union of the Counties Along the Delaware with Maryland.

MR. SPEAKER & GENTLEMEN:

It gives me no small concern that I should be obliged to call you together at a Season of the year when your domestic Affairs so very ill admitt of your absence from home.

But the late Accounts from England, of an unexpected application made to His Majesty by the Lord Proprietor of Maryland, for obtaining a Grant or Confirmation of the three lower Counties on Delaware, as Lands within the descriptive part of his Charter, have

so greatly alarmed all those in this Province, who have duly weighed & considered the unhappy consequences of disuniting from Pennsylvania those whom the same form of Government, administered under the same Proprietaries & Governor, and a similitude of Interests & Inclinations, have for many years past closely united, that an unanimous Address from the Mayor & Commonalty of this City hath been presented to me, requesting that the Representatives of the people might be conven'd as soon as possible, to consider of measures as may be most proper to be taken on this emergency, as well for the Interest of the Province in general, as that of the City of Philadelphia, with respect to its Trade in particular. From my own sincere regard therefore to the Welfare of this Province, which Duty & Affection equally lead me to consult & promote, & in Compliance with the desire of so considerable a Body as have addressed me on this Occasion, I now meet you; and as it is unnecessary for me to mention any of the Disadvantages & Inconveniences, that would attend the success of so extraordinary an Application to his Majesty, since they are too many, & lie too obvious to escape the observation of any thinking Person, I shall only lay before you such papers relating to this affair, & the progress yet made in it, as are come to my hands, and leave the whole to be considered of by you in such manner as best suits the Importance of the subject, and the real interest and Prosperity of Pennsylvania.

17th June, 1735.

Speech to the Conestogoe, Ganaway and Shawanese
Indians.**M**Y FRIENDS & BRETHREN:

Our Honble Proprietors having returned an Answer in behalf of this Government, to what you delivered, & having ratified with you all those great Articles of Peace & Friendship so long since concluded between you & us, I am now to speak to you of a matter of the greatest Importance to the Preservation of our mutual Friendship and Good Understanding.

You are fully sensible from what has passed at this present time, as well as from what has been the Subject of all our former Treaties with the Indians, that the doing of exact Justice to each other, is the foundation & Groundwork on which all the Articles of our Treaties are built, and which ever of us fails in this Point, contradicts by their Actions what in the strongest Words and Expressions we have mutually agreed to perform. I need not say much to show how exactly carefull we have been to give the Indians all reasonable Satisfaction in every matter for which they could have any just Ground of Complaint, & you may all remember that when two of our People had been so wicked as to kill two of our Indian Friends, we brought the guilty Persons to a Trial in the same manner as if they had killed a White Man, and they both suffered Death for the Crime they Committed. We have therefore the greatest Reason to expect from the Indians, that in cases of the like Nature they should be exactly carefull to deal by us as we do by them, and we think ourselves ill treated if the least Delay or Hesitation is made in doing us Justice, when any of our People have suffered by the Wickedness or Folly of yours.

Ullaloes, the Ganawese Chief, may remember that in the Summer 1733, he came hither with Four braves of that Nation, to Satisfy us that there was no Truth in a

Report that then was spread, of three of their young Men having killed two white People in Virginia, the Winter before. Ullaloes assured us he had seen the Scalps that those young Men had brought home; that they were of Indians, & not of white Men, and that these Ganawese Warriors entirely denied they had been guilty of any such Crime as was laid to their Charge. But however they may have endeavoured to impose upon you, whom we blieve to be honest and good Men, yet it is but too true, that in the back parts of Virginia they cruelly Murdered a poor Man and his Wife, & scalped them both. The Information of this affair has been so particularly given to the Governor of Virginia, and there are so many concurring Circumstances now discovered by the Accounts of several who saw & conversed with those Indians on their Return home-wards, that we cannot but believe them guilty. And as that Governor has demanded those guilty persons to be delivered up to him to be punished, I must require of you the Names of those Indians & that you will order them as soon as possible to be secured; and if you will undertake to carry them to Virginia, & deliver them up to the Governor there, he hath assured me that he will receive you as his friends, and give you an handsome Reward for your trouble.

4th Augst., 1735.

To the Assembly upon their Re-convening.

GENTLEMEN:

Tho' by the Blessing of God I am at present much recovered from the severe Indisposition which, ever since my receiving your House with your Speaker in October last, has lain heavy upon me, yet my precarious State of Health will not at this Season

of the year permit me without eminent Danger of a Relapse, to leave my Bed Chamber; for this Reason I must deny myself the Pleasure of seeing you together this Day, and of speaking to you before your entering on the Business of the Country at this Session, pursuant to your Adjournment; Leaving therefore, such matters as may at this time be expedient for the Public Service to arise from yourselves, I shall only assure you of my readiness to give all due Dispatch as far as my Health and Strength will allow, to whatever shall be laid before me for my Concurrence, that can advance the true Interest and real Happiness of Pennsylvania.

P. GORDON.

13th January, 1736.

To the Assembly Concerning an Act to Prevent the
Erection of Wears and Dams in the River Schuyl-
kill.

THE GOVERNOR WAS IN HOPES WHAT HE had sent to the House on the Bill for Racks would have prevented their giving themselves any further Trouble about it, nor does he find any thing the House has since offered to have any such Weight with it, as to induce him to alter his Opinion; The Proprietors have always shewn a Paternal Regard for the good of all the People, & the Governor has ever thought it his greatest Honour & Merit to act in all such things conformable to their Inclinations; & therefore that all further Debates on this Head may be ended, he will here briefly show that it is with a sincere View to that Care and Regard, that he cannot agree to the Bill for Amendments as it is called.

"The Soil & Water of all the Rivers & Creeks within the Province that are not granted away by the Proprie-

tor or his Agents are undoubtedly his, & yet as far as ever the Governor could learn, the Proprietor never sought to make any advantage of them to himself, but as a common Father to consult the Good of the Whole.

“At those two several times the late Proprietor was in the Province, he passed two several Acts against Damms and Wears, as they might be injurious both to the Navigation & Fishery, of which all Persons from the Mouths to the Heads of the Rivers or Creeks ought equally to partake of the Benefit. That Damms were a direct Obstruction to all Navigation where they stood is certain, but Wears were equally prohibited with Damms; and it is well known, if the Governor is rightly informed, that Racks are a much greater Obstruction to Navigation than Wears were, these being made of small sticks or some very slight Matter fastened to Stakes, but those are made of more substantial Materials, like Horse Racks, erected & kept up by large Stones carried into the River to support them; and tho’ it is said in the proposed Bill, that one half of the River is to be kept open, yet were even this observed, the Obstruction of the other half must, in the Night time, or on sudden Turns of Points in the Day, be highly Dangerous. But yet all this is not of equal weight with the following:

“It has pleased Divine Providence in a wonderful manner to provide for the support of the Inhabitants of the Earth who dwell on or near Rivers, by implanting such an Instinct in the Fish of the Sea, as that they shall at least once a year crow’d up even to the highest parts of such Rivers to lay their Spawn, on which their Breed & Further Increase is said wholly to depend; and in all well regulated Governments, particularly in England, the utmost Care is taken for Preservation of the Fishery to prohibit whatever may prevent their Course, or Discourage them from their annual Visits & Returns. But the Method now proposed by the Bill, ac-

cording to all Accounts we have of the Practice of those that follow the Fishing by Racks in Schuylkill, appears to be the most ruinous that could possibly be contrived; For it is positively affirmed, this Practice is, for great Numbers of People mostly on Horseback, for a Mile or two or more, with large Bushes, Stakes, or other Instruments that may best answer the End, to beat the Water with great Noise, rake the Bottom of the River above the Racks, & to take all the Methods in their Power to force the Fish down into the Racks; and if this was the Practice heretofore, now when half the River is to be left open, it will follow of course that others in & about that vacant Part must use equal or greater industry to prevent their getting that way by the Racks, by which means those that can escape must be more frightened and disturbed, the Spawn by the treading of Horses, or other Feet, & by raking with Bushes & Trees must be destroyed, & while this is practised in half a score places in that River, they must obstinately shut their Eyes who cannot see, that, as it has happened in other places from the like Methods, the River will in time be entirely deserted by the Fish, and all the Inhabitants, in all parts of the River, deprived of that great Benefit intended for Mankind by the Creator.

And further there have such accounts been yearly given, when any Racks have either publicly or otherwise been erected, of the tumultuous Meetings, riotous Behaviour, Quarrels, Contentions, & even Outrages amongst the young People and others who assemble as to a Merry-making or a publick Diversion, at the time of Fishing by Racks, which are so unseemly Returns for the Benefit conferred on them, that this Consideration alone ought to weigh with all sober and well disposed persons, & dissuade them from encouraging any thing that is generally attended with such Consequences, as are a Reproach to any Government, whose Business it is to preserve Peace, Tranquility, & good Order.

To allow People to make any Racks with Limitation

that they shall not be carried above such a Length into the River can prove, as to this Limitation, no other than an Amusement: When People are justified in making some kind of Racks, & they meet for their own Interest, & none are present, or at least none with sufficient Power to interpose, it is not to be imagined that they will keep within any Rules or Limits whatsoever.

“Upon the whole, nothing can be more clear to any who will impartially consider the Nature of what is proposed, without any View or Interest, but solely to Right and good Order, than that such Methods of Fishing, were they indulged for any time, for the sake of only a present Profit, as it must necessarily, even for that time, deprive those on the upper parts of the River of the advantages to which they have an equal Right with any other that live on it, so it cannot in all humane Probability fail of depriving all the Inhabitants & our Posterity of every part of the Benefit, by entirely banishing the Fish from every River where these Methods are put in practice.

It is with Reluctance the Governor finds himself obliged to withstand the Applications that have been made, but as they cannot be conceded to without much greater Disadvantages, he finds himself obliged in Duty & Conscience to refuse passing the Bill; and he hopes this Refusal may in a little time be found much less to the Disadvantage of those who sue for the Bill than they may now imagine. The Bottom of Schuylkill in the lower parts of the River is said to be stony & unfit for Nets, but the Governor conceives, if the Nets be made somewhat deeper, & in the proper Places fixed & kept every where to the Bottom, while they are buoyed up at Top, a competent Number of Fish may be taken, and in time the People's Skill will improve & render it more familiar & easy, & by this Means the Blessing may be continued to all the Inhabitants & their Posterity.”

16th Febyry, 1736.

To the Assembly Concerning the Bills for Erecting
Pounds and for Establishing Ferries.

THE GOVERNOR BY HIS FORMER MESSAGE on this Bill observed, that a proper Regulation for Rangers & Strays was wanted, no other being in force in this Province besides that of the 10th of the late King, which is conceived in so indecent & indigested a manner in the two last Paragraph's but one, that it cannot be to the Honour of any Government to have it numbered amongst its Laws. But as the present Bill may be of Service to the Country, the Governor is willing to assent to it, provided that the Words referring to that act be left out & only the word Rangers retained.

Insert this Clause "*And that between the Establishment of such Ferry in the manner aforesaid, & such time as the Legislature can take into Consideration the Rates proper to be sett for the same, It shall and may be lawful for the Person or Persons so nominated or appointed for keeping the said Ferry, to take & receive such Rates as are by Law allowed to be taken at the nearest Ferry to the same in this Province over the same River or Creeks.*"

Leave out from the Word *Law* the three last Lines in this Page, & the first Word in the next, and in Lieu thereof say *than such Rates & allowances as now are or hereafter shall be from time to time sett & established by the Legislature of this Province.*"

The Reason for this last amendment is this, That by the Clause, as it stands in the Bill, it may be construed, that when the time for which the Rates are sett is expired, no Ferriage at all must be taken, and consequently no attendance will be given, till a new Regulation is made by the Legislature. Now it is possible that several accidents may happen to render the obtaining of such a Regulation at that time impracticable,

such as the Death of a Governor during the time of a Session, or on divers other Occurrences that may intervene.

To the Assembly Concerning the Court of Chancery
of the Province.

GENTLEMEN:

It was a very great Surprise to me, to read in the printed Notes of your House the Minute & Resolution of the 27th of January last, in Relation to the Court of Chancery for this Province, as held by the Governor & Council, yet as it has always given me an Uneasiness to differ in Sentiment from the House of Representatives, I delayed several Days taking any Measures thereon, till believing there was a Justice due to the Council as well as my self, I at length on Saturday last, put the Gentlemen of that Board on taking the said Resolve into their Serious Consideration, who have thereupon reported their Thoughts to me with so much clearness & strength of Reason, as well as Modesty, in a Paper of which I herewith send a Copy, that I cannot but think it must have great Weight with all who will seriously and impartially consider the same.

And having view the Copies of the Petitions you yesterday sent to me, I cannot but think that some of the invidious Allegations therein ought rather to have been censured than countenanced. That the Court of Starr Chamber was highly oppressive is certain, and accordingly it was abolished in the time of King Charles the First, in the year 1641, some years before the Birth of our late Proprietor, so also undoubtedly were all Orders & Decisions of the King & Council that affected the People in their Property, otherwise than was agreeable to the laws of the Land, & any such like would be the

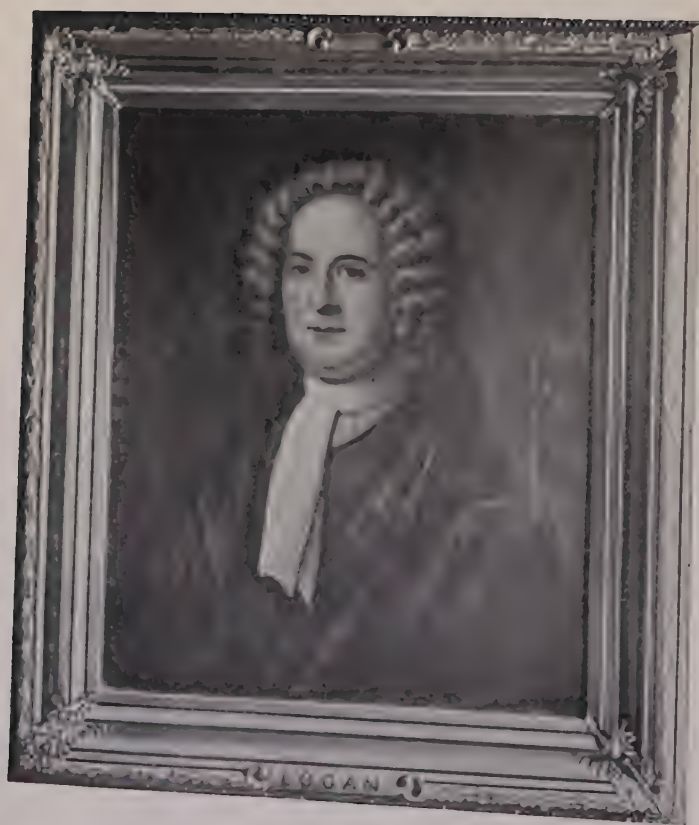
same here; But the Court of Chancery erected in this Province, was, by its Establishment, to proceed agreeably to the Course of the Court of that Name in Great Britain, and as is justly observed in the Council's Paper, if the Members, because they are of the Council, are unqualified to act in the Court of Chancery, the same Reason may be advanced against their acting in any other Court where Property is concerned, tho' it is well known they now make, and always have made, a considerable Part of the Principal Courts of this Province; and if I also acted in it, it is, as far as I have been able to learn, agreeable to the Practice of by much the greater Part if not all the British Colonies in America: And I assure you, it is a part that I should never have chosen to take upon me, if I had not at my arrival found that Court to be so established for some years before, and the Country in the Practice of it; and therefore all Men must acknowledge, that I could not but consider it as a Duty incumbent on me that could not be dispensed with: If the Fees were found too high or unreasonable it was easy at any time for the Assembly to have proposed a Regulation in these, equally with all those of the other Courts & Offices in the Country, which should readily have been complied with upon any Terms that could be judged reasonable; Nor can there be much Room for Complaints of this Kind, since in the Nine years & upwards that I have presided here, but two Cases, & both by Consent, have been brought to a Decree, and very little other Process had been entered there, but it must appear strange, how all at once such Petitions should be now set on Foot over the Province, and brought in about the same time, without any particular Occasion given for it that can be discovered: As for the Manner of establishing the Court, you are referred to what the Council say thereon, and I cannot doubt but your Inclinations to preserve Peace & a good Understanding between all parts of the Gov-

ernment must lead you to alter your Sentiments in Relation to your past Minutes on this Subject: But if your House shall continue still of Opinion that a further Regulation in that Court is wanted, if any thing reasonable can be offered, which I conceive the Nomination of Judges by your House is not in this Case, more than for any other of the Courts of Judicature in the Province, you shall not find me backward to agree to any thing that may be truly to the Honour and Service of the Country.

P. GORDON.

18th Febr'y, 1736.





James Logan

JAMES LOGAN.
President of the Council.
1736-1738.



Chapter XI.

JAMES LOGAN.

President of the Council,

1736-1738.

NEVER GOVERNOR BY ACTUAL APPOINTment, James Logan in numerous instances administered the affairs of the province for considerable periods of time, while as President of the Council for two years he actually occupied the gubernatorial chair. Unquestionably the most learned, he was probably the most accomplished of the provincial governors. His extensive linguistic and other accomplishments commended him to the first Proprietary, who, in 1699, brought him to Pennsylvania as his secretary. He was for many years Secretary of the Council, and as such became involved in a controversy with the Assembly by whom his impeachment was unsuccessfully attempted. He served the province with great credit as Chief Justice and in numerous other positions which he filled with constant ability and zeal. In addition to his public labors, he found time to produce several scientific works in Latin, a number of translations from Cicero, and some valuable contributions to ethics. During his residence of over half a century in the province he probably exercised more influence than any other single man. His tenure of the executive extended from August 1736 to August 1738.

Proclamation Announcing the Death of Governor Patrick Gordon, and the Continuance in Office of All Officials Under Him.

BY THE HONBLE JAMES LOGAN ESQUIRE
President, and the Council of the Province of
Pennsylvania.

A PROCLAMATION.



Whereas it hath pleased Almighty God to remove by Death the Honourable Patrick Gordon, Esquire, late Lieutenant Governor of this Province, Whereby the Exercise of the Powers of Government, by virtue of an Act of Assembly passed in the tenth year of the Reign of the late Queen Ann is devolved on and lodged in Us. We have therefore thought fitt to Publish and Declare, that all Persons whatsoever, who held or enjoyed any Office of Trust or Profit in this Government, by virtue of any Commissions in force at the time of the said Governor's Decease, shall continue to Hold & Enjoy the same, untill they shall be determined by us, or some other sufficient Authority; And we do hereby Command & Require all Judges, Justices, & other Officers whatsoever, in whom any Public Trust is reposed in this Government, that they diligently proceed in the Performance & Discharge of their respective Duties therein, for the Safety, Peace, & well being of the same.

Given in Council under the Great Seal of the said Province at Philadelphia, the fifth day of August, 1736, in the tenth year of the Reign of Our Sovereign Lord George the Second, by the Grace of God of Great Britain, France & Ireland, King, Defender of the Faith, and so forth.

JAMES LOGAN.

GOD SAVE THE KING.

Introductory Address to the Assembly.

GENTLEMEN:

It cannot, we are persuaded, but deeply affect you to find at this, your convening in Assembly, in Pursuance of your last adjournment, that instead of meeting that worthy Gentleman, our late Governor, at the Head of this Board, you now see only the Council with a President. It has pleased the Almighty, on whom all our Lives depend, to take him from us and from the Cares of this Life, and those who were Witnesses, as our Assemblies general have been, of his constant Inclinations to promote the Welfare of the Publick, with a just Discharge of his Duty to the King and our Proprietors, and a due Regard to the People's Rights, cannot but the more deeply regret our Loss.

The administration of the Governorment being by this Change, by Virtue of an Act passed in the 10th & 11th years of Queen Anne, and confirmed by her said Majesty in Council, now devolved on this Board, We, on the fifth instant, the day of the Governor's Decease, accordingly mett, and taking the Charge upon us published our Proclamation for the continuing of all Magistrates and Officers, requiring them to proceed with Diligence in the Discharge of their respective Duties & Trusts, from whence there can be no Deficiency in the Administration of Justice: The Assembly, by our happy Constitution, are inherently in themselves vested with the same Rights in all Respects as before, Legislation only excepted; Nor in this probably, shall we find any considerable Inconveniency, since it may rationally be hoped that during the Interval till another appointment can be made, there may not arise any Emergency requiring a further immediate Provision. It has been the Sense of all those who have more closely and justly considered the Nature of Government, that the most desirable advantages of it arise not from

multiplying of Laws, but from a strict Observance & due Execution of good and wholesome Ones in Force. You, Gentlemen, represent the whole Body of the Freemen of the Province, who are the principal Objects to be considered in Government, and as your House subsists throughout the year, it may be as convenient for you to meet from time to time on your Adjournments as before, for thus you will have Opportunities of consulting and advising of what may best contribute to the Publick Weal; And you will always find this Board, in whom the Powers of the Administration are lodged, must ready and willing to concur with and put such Advice in Execution. We have also the further great Advantage of the Presence of One of our Honourable Proprietors amongst us, who, as the true Interest of his Family is inseperable from that of the People, cannot but be always acted by the warmest Inclinations to advance the general Good of the Whole.

As to my self, on whom the Burthen of the Administration falls the heaviest, tho' it truly gives me no small Uneasiness, that I am hereby called from the quiet Retirement I had proposed in these advanced years of my Life; yet as I have ever been animated with a most sincere Zeal for the Honour & true Interest of this Province, I shall submit to the Necessity, and to the best of my Ability, with the Assistance of the Gentlemen my Brethren of this Board, endeavour to acquit my self in all Things with Fidelity to His Majesty and to our Proprietors, and with a just and due Regard to the People.

And as nothing contributes more directly to the Honour and Prosperity of any Government than a perfect unanimity amongst all the Parts of it, We shall hope that, in a sincere View to the Common Good, all proper Measures & Endeavours will, on every Hand, be used to promote and improve the same.

11th Augst, 1736.

To the Assembly with Thanks and A Declaration of
Good Intentions.

GENTLEMEN:

We heartily thank you for your kind Address, and as we have a full Dependence on, and are satisfied in, your Declarations, so you may be assured, that while we are concerned, nothing in our Power shall be wanting that may contribute to advance the true Interest of Pennsylvania.

JAMES LOGAN.

13th Augst, 1736.

Letter to the Justices and High Sheriff of Lancaster
County Concerning Threatening Attitude of the In-
habitants of the Neighboring Province of Maryland.

GENTLEMEN:

The accounts we have this day received of the military & warlike Preparations of our Neighbours of Maryland, which are said to be intended against some of the Inhabitants of your County of Lancaster in this Province, cannot but very much surprize us, as such Proceedings must undoubtedly be construed a Levying of War against His Majesty's Subjects, & it being your indispensable Duty, by all proper means in your power, to prevent all Riots and Hostilities, & to preserve His Majesty's Peace in your County, you are to exert your utmost Endeavours for that End; but if you shall find the same like to prove ineffectual, we must observe to you that by the Laws of this Province, riotous & tumultuous Meetings being Subject to the same Punishments as in England, you are to cause the Proclamation, directed by the act of the 1st of the late King, to be made, in doing whereof, that you may proceed agreeably to the Directions of the said act, we send you herewith a Copy of the same; and if any Oppo-

sition should either be made to the reading of the Proclamation, or if they should think fitt to disregard it when read, you are to direct the Sherif to be ready with the Posse of the County to protect and defend His Majesty's Subjects, Inhabitants of the same, from all Insults or Outrages, taking special Care at the same time that you do not by any precipitant Step or fruitless Opposition to a superior Force expose the Lives of any of the King's Subjects. It is likewise incumbent on you, & you are not to omitt taking the most exact Notice and making the best Observations you can of all Proceedings herein, that a distinct and full account may be given of them & the names of the Persons that are most active in promoting & carrying on such Disturbances, that a proper application may be made thereupon to His Majesty, from whose Justice & Goodness we may be assured of a suitable Redress to His injured subjects.

Signed in behalf of the Council, by
Your Loving Friend,
JAMES LOGAN, President.

8th September, 1736.

Further Letter to the Justices of the County of Lancaster Concerning the Border Troubles.

GENTLEMEN:
We have received yours of the 8th instant, giving an Account of what passed between the Sherif of your County & those Officers of Maryland who have taken upon them to bring an armed Force into this Province, and as your Vigilance, Care, and Prudence, in preserving His Majesty's Peace in your County, protecting the Inhabitants in their just Rights & Possessions, and in preventing such Euconnters, whereby the Lives of any of His Majesty's Subjects

might have been exposed, deserve our Acknowledgments, we now return you our Thanks for the service you have thereby done to the Publick, recommending earnestly to you to pursue the same prudent measures, for reducing those parts of the Country to Peace and good Order.

As to what you now further desire of us, we must acquaint you that we have this week received a Letter from the Governor of Maryland, on the Affair of those Dutch People, to which we could not give a proper Answer, till we had some certain Account of the Issue of this wild Expedition from Maryland; but that appearing to be now over, & the Multitude return'd home, we shall very soon dispatch by Express our Answer to that Gentleman, and as the Directions that will be transmitted to you must coincide & be of a piece therewith, we cannot send you the one till the other is finally concluded. In the mean time, you may lett these Dutch People know that the River Sasquehannah, dividing their Settlements from the thicker inhabited parts of the County, it is almost impracticable to keep up a large Force amongst them from this side, but they may be assured we will Speedily concert the most effectual & prudent Measures in our Power for their Safety; and as to the Encouragement they may expect with relation to the Clearness & Certainty of their Surveys, in which we hear they have been grossly abused by the pretended Officers of Maryland, & the Titles to their Possessions, we must refer them to what our Honble Proprietor will cause to be notified on this head, from which we doubt not but they will receive entire Satisfaction.

Signed in behalf of the Council, by
Your Loving Friend,

JAMES LOGAN.

September 10, 1736.

To the Justices of His Majesty's Peace for the County of Lancaster.

Proclamation Concerning the Invasion of the Province by an Armed Force from Maryland.

BY THE HONBLE THE PRESIDENT AND COUNCIL of the Province of Pennsylvania.

"A PROCLAMATION.



Whereas, we have received certain Information that a Body of nearly three hundred Men in Arms, in a warlike manner, entered the County of Lancaster, in this Province, and on Sunday the fifth instant with Beat of Drum & Sound of Trumpet advanced to the Plantation, late of John Hendricks, on the west side of Sasquehannah, lying several miles more northerly than the City of Philadelphia, with Intent, as 'tis said, to oust by force several of His Majesty's Subjects, Inhabitants of that County, of their Possessions, and to awe and terrify others into an acknowledgement of the Dominion and Jurisdiction of the lord Proprietor of Maryland over those parts of the Country lying upwards of twenty miles to the northward of the East & West Line, which by a solemn agreement entred into by the Honourable the Proprietaries of Pennsylvania and the said Lord Proprietor of Maryland, now subsisting, and under the Cognizance of His Majesty's High Court of Chancery, was fixed and established as the Boundarie of their respective Provinces, Which military Preparation and Invasion hath, by the Conduct and Resolution of our Inhabitants on this Occasion, been happily frustrated. And Whereas these extraordinary Proceedings, in spreading Uneasiness and Terror amongst the Inhabitants, and thereby hindring them from the Pursuit of their lawfull Business and Occupations, are not only altogether unjustifiable between the Subjects of the same Gracious Sovereign, whose diffusive Goodness & Care for their Wel

fare and Security equally extend to all, but must undoubtedly be construed a Levying of War against His Subjects of this Province, in direct Violation of His Peace within the same, as well as in manifest Contempt of that high Authority; where the Dispute between the Proprietorse of Pennsylvania and Maryland touching their Boundaries does now depend for a final Decision, & may in their Consequences involve His Majesty's Subjects in Contest's whereby their Lives may be exposed to Danger, and their Estates to Depredations. We have therefore thought fitt, for the better Prevention & Suppression of such Riots and Disorders, and for preserving his Majesty's Peace within this Province, to issue this Our Proclamation, Hereby strictly Requiring all Judges, Justices, Magistrates, & other Officers within the same, to be vigilant and active in their several Stations, for maintaining Peace and Good Order within their respective District; strictly Charging and Commanding the High Sherifs of the several Counties within this Province, with their inferior Officers, especially those of the County of Lancaster, where these late Commotions hapened, as also those of the County of Chester, to Hold themselves in a Readiness (upon any threatned Attack or Invasion) with the Posse of their respective Counties, for preserving His Majesty's Peace, and for preventing all Riots, Tumults, & other Disorders within their Bailiwicks, that they use their utmost Diligence in apprehending and securing all such Persons as have been the Incendiaries in, or the Authors and Abettors of these late Disturbances, or shall hereafter be aiding & assisting in any others for the future; And in General, that the said Sherifs exert the legal Powers wherewith they are invested for the defence & Protection of the Inhabitants, who are hereby required, on the call of the respective Sherifs, to give due Attendance & Assist them in the lawful Discharge of their Duty in the Premises.

Given in Council, under the Great Seal of this Province, Philadia., the seventeenth day of September, 1736, in the tenth year of the Reign of Our Sovereign Lord, George the Second, by the Grace of God, of Great Britain, France & Ireland, King, Defender of the Faith, and so forth.

GOD SAVE THE KING.

JAMES LOGAN, Presidt.

By Order of the President and Council.

ROBT. CHARLES, Secry.

Letter to the Lieutenant Governor of Maryland Concerning the Border Troubles.

SIR—

We, the Council of Pennsylvania, on whom by the Death of our late Governor the Administration of the Government is devolved, have received yours of the 31 of August, occasioned (you are pleased to say) by an inclosed Paper, the Original of which came to your hands a few days before, subscribed with the names of fifty or sixty Persons, who some years since importuned you for the Grant of Lands under the Authority & Government of the Lord Proprietary of Maryland, & they were so successfull (you proceed to say) in their applications, that you directed & empowered them to settle & improve the Lands under the Government of that Province, & which they have from that time held & enjoyed, subject to his Lordship's Dominion & Authority; but they now seem to think fitt, & resolve by a most extraordinary kind of illegal Combination or Association, to disown their Obedience to the Government from whom they received their Possessions, and to transfer it to the Government of Pennsylvania. And this Proceeding of theirs you seem to

suppose takes its Rise from the Encouragement of some Magistrates of our Government, but you appear unwilling to believe those concerned in the Administration would permit or support such a Behaviour.

To which We truly answer, that we know nothing of the Encouragement you mention, & for those concerned in the Administration, we do assure you that no Body here, as far as we can find, heard a Syllable of any one Step taken in this affair till several days after the date of their mentioned Letter; nor was the matter heard of at our Board till the 24th of August, when our President communicated to us what he had heard or leardn'd of the Subject; and if we could see this Affair in the same Light you have thought fitt to represent it, as none can be more sincerely & heartily disposed than we are to preserve Peace amongst all His Majestys Subjects, and to prevent all Struggles & Contentions inconsistent with that Peace & Happiness which (as you justly observe) His Majesty so gloriously endeavours to maintain & preserve amongst others as well as His own People, you might rest assured (as you say) of receiving from this Government all the assistance necessary for that Purpose; But having since the Receipt of yours, & of an Application from the People themselves, brought us within these few days past, seriously considered the whole state of that Affair, as attended with some Particulars communicated at the same time to us by Persons very lately come from thence, We are clearly of Opinion your Representation is wrong founded, & we must take the Liberty to speak to it with the Freedom & Plainness the Importance of the Subject requires.

And first we must observe, you are pleased to say, these People importuned you for the Grant of Lands, under the Authority & Government of the Lord Proprietor of Maryland, but the Success you mention they were favoured with consisted not, it seems from your

Words, in any Grant for Lands, but in your Directions only that they should settle & improve the Lands under the Government of that Province, so that all they obtained by this was that they should acknowledge the Jurisdiction of Maryland over Lands, on which we find divers of them had entered by Authority of the Land Office of Pennsylvania, & as Subject to its Government paid their Levies to the County of Lancaster, wherein they had been seated, & to which it is impossible Lord Baltimore either can or ever could justly pretend any manner of Right. The real Merit, therefore, of this it seems consists in putting them on transferring their Obedience from their rightful Landlord to another, to whom they stood in no Relation. For,

That we might be the better able to answer your Letter, we have waited not only till we could hear of the Event of the military Expedition of your Forces of about three hundred Men in Arms, sent up, 'tis said, against those People, & for some other unjustifiable Purposes, but also that we might with more Certainty be informed from whence those Settlers were, & how & when their Settlements had been made; on the last of which we find that they are generally of those Palatine who a very few years since transported themselves from Holland to Philadelphia, & made themselves Subjects to His Majesty, King George the 2d, under this Government; and 'tis affirmed, they were so far from importuning you for any Grant of Lands that they were by very indirect practices of some Emissaries or Agents, pretending Authority from Maryland, seduced from their Duty, & imposed on to believe they were situate within the Limits of the Lord Baltimore's Jurisdiction; but what Applications such Persons might make in their Names we know not. Again, on the other hand, we are furnished with unquestionable Evidences to prove that they were never perswaded or solicited by our Magistrates, or any Persons whatever

in their behalf, to return to their Obedience to this Government, but that it was of there own mere Motion and Freewill, believing it in their Consciences to be their Duty; And certainly, the open & candid way they have chose to act in, must clearly convince any Gentleman of thought & Judgment that they had not concerted any Plot; they, therefore, from that natural Honesty and Simplicity, undoubtedly claim the Compassion & Regard of every good Man, & as they have been made Sufferers by their Weakness and Credulity in believing these busie Emissaries, they ought to be righted.

The Lands they are seated on, we have said, are such as Maryland neither can nor ever could justly pretend to—no, not tho' you were to hold to the utmost Extent of your imagined Claims; but They have from the first Settlement of this Province been ever reputed a part of it, nor has the Government of Maryland at any time been so sanguine as to make any Claim to them, till after His present Lordship had, in the most solemn manner, & in the most binding terms that could be conceived in writing, renounced all Pretentions to the Lands lying many miles to the Southward of them. And then it was, when, under Pretence of supporting some who had fled from the Justice of other Governments, & to screen themselves, as they hoped, from the Authority of this, thought fitt to call themselves Marylanders, after the late solemn agreement for putting an effectual Period to all former Disputes about the Boundaries of the two Provinces was fully concluded, that you thought fit to set these new evasive attempts on foot, and laid the Foundation, that must necessarily involve the Subjects of His Majesty, as you say, in struggles & Contentions; for to these surprizing Measures of yours only have all these Differences been truly owing.

Your proceeding, in sending up such an armed Force

on this Occasion, & their invading the Possessions of others, where you never had the least Pretence of a Claim, either in Law or Equity, must indeed prove astonishing to every Man who hears of it, & has any just notion of the English Laws & the Priviledges of a British Subject; but as we shall not here enter into any Expostulation on that head, (tho' we might properly ask, when five or six Men going without any manner of arms, or so much as a Stick in their hands, into Maryland, to try their Challengers Prowess at boxing, was twice in a certain Letter called Levying of War, what terms you would think fitt to bestow on this March of such numbers so accourtred?) We think it incumbent on us to acquaint you, that as we are assured the Government of Pennsylvania is vested with equal or like Powers with that of Maryland, tho' it has hitherto with great Patience waited for the Decision of the grand Dispute in Britain, which it is manifest your Lord Proprietor endeavours to delay, yet now, on so flagrant an Insult as this last step of yours, we cannot but think ourselves obliged to put His Majestys Subjects under our care, on measures to prevent the like Invasions for the future; for this Province, especially those parts, are filled with People of more Spirit than to brook such Treatment, & if any Mischief ensue on their Opposition to your Attacks, you cannot but well know who must be accountable for it. But further, while all these Contentions are owing solely to your own Projections to carry your Lord Proprietor's Pretentions into Lands, that not only never had been in his Possession, but cannot possibly fall within Maryland, & which, for ending all Disputes, he had in the most solemn manner renounced all Claim to, & to sett these Pretentions first on foot at a time when the Execution of the agreement was in Agitation, & to continue them while the whole Affair is under the Cognizance of that Hight Court,

the Chancery of Great Britain, these, we say, carry with them such accumulated Aggregations, & are so farr from admitting the Possibility of a Justification by any Colour or varnish of words whatever, that none but your Enemies can be pleased with such a Conduct.

The sole End of Government, you are sensible, is the Peace & Security of the People, which all those in whom such important Trusts are reposed lie under the deepest Obligations to promote & maintain, more especially amongst those who are equally Subjects of Our most Gracious Sovereign, whose paternal Cares & constant Endeavours for the Happiness of all his People, make a great part of the shining Glories of His auspicious Reign; & we do assure you that we on our parts, while we have the Honour of the Administration of this Province, will at all times be ready to promote any just & honourable Measures that can be proposed for preserving that Tranquility & good Neighbourhood, which has formerly subsisted between Maryland and Pennsylvania, & is so essential to the Welfare of both Provinces: This Behaviour, in which we are determined to persevere, as it cannot but be most acceptable to His most Gracious Majesty, so it will most directly tend to our mutual Honour & Reputation, & that you may joyn with us in an equal zeal for the same, is the hearty Desire of

Sr.,

Your Friends, & humble Servants,

Signed in behalf of the Council,

JAMES LOGAN.

Philadelphia, September 18, 1736.

Addressed:

To the Honble Samuel Ogle, Esqr.,

Lieut. Governor of Maryland.

Order to the Legal Authorities of the Province to
Execute the Laws Concerning the Sale of Liquors
to Indians.

BY THE HONOURABLE THE PRESIDENT AND
Council of the Province of Pennsylvania.

AN ORDER.



Whereas, by an act of General Assembly of this Province, Intituled *An Act against selling Rum and other strong Liquors to the Indians*, all Persons whatsoever are by the said act prohibited directly or indirectly to Sell, Barter, Give or Exchange, by themselves or others, any Rum, Brandy, or other strong Liquors, mixed or unmixed, to or with any Indian within this Province, under the Penalty of their forfeiting Ten Pounds; And Whereas, a large Number of the Chiefs of the Indians of the Six Nations are lately arrived in this City, & have for some days past held Treaties of great Importance to the Government of this Province, during which time it appears that divers Persons in this City, without any Regard to the Laws & good Government of the Place, but solely intent on their own private Lucre, do furnish divers of the Indians with the said Liquors, whereby they are rendered incapable of pursuing the Business for which they came, & to the great Reproach of the Government are seen disordered about the streets. These are therefore strictly to Prohibit and Forbid all Persons whatsoever within this Province, directly or indirectly, to Sell, Barter, Give, or Exchange, or by any means to furnish the said Indians, or suffer them to be furnished with any Rum, Brandy, or other Spirits, on Pain of the Forfeiture aforesaid, & being further prosecuted as the Law directs; And all Magistrates, Sheriffs, Constables, & other Officers within the said Province, are hereby

required to put the said Act in Execution against such Persons as shall be legally Convicted of selling Rum, or any other strong Liquors, to the Indians as aforesaid.

Given under the Seal of the said Province at Philadelphia, the ninth day of October, 1736, in the tenth year of His Majesty's Reign.

JAMES LOGAN, Presidt.

Proclamation for the Apprehension of Samuel Moffat, accused of Murdering a Mingo Indian.

BY THE HONOURABLE THE PRESIDENT AND Council of the Province of Pennsylvania.

A PROCLAMATION.



Whereas Information hath been given unto us, that on or about the beginning of September last, at Allegheny, in the County of Lancaster, within the Province aforesaid, a Quarrell having arisen between an Indian Man of the Mingo, or Six Nations, in League & Amity with this Government, and Solomon Moffat, of the County aforesaid, Blacksmith, the said Indian Man did receive several Blows and Wounds of which he languished for several days, and languishing died, & that the said Moffat hath since fled for the same: And Whereas, it is not only necessary for the Preservation of that Friendship & good agreement which hath hitherto subsisted between this Government & all these Indians, but is likewise consonant to Justice, that the said Solomon Moffat should be apprehended and brought to a Tryall for the said Offence, We have thought fit to issue this Our Procla-

mation, Hereby Charging & Commanding all & every of the Sherifs and Officers of the respective Counties of this Province to make diligent search & Enquiry within their respective Bailywicks for the said Solomon Moffat, & him to apprehend & bring before any of His Majesty's Judges or Justices in this Province, to be committed to Gaol, till he be thence delivered by due Course of Law; and for the Encouragement not only of the said Officers, but of every other Person, in detecting, pursuing & apprehending the said Moffat, We do hereby promise a reward of Ten pounds, to be paid by the Provincial Treasurer, to any Person or Persons who shall apprehend and deliver the said Moffat to any Judge, Justice, or other Magistrate within this Province, so that he be committed to safe Custody, in order to be proceeded against according to Law.

Given in Council under the Great Seal of the said Province at Philadia., the twelfth day of October, 1736, and in the tenth year of the Reign of Our Sovereign Lord George the Second, by the Grace of God of Great Britain, France, & Ireland, King, Defender of the Faith, and so forth.

By order of the President & Council,

JAMES LOGAN.

Robt. Charles, Secry.

Speech to certain Chiefs of the Tsanandowas, Onondagoes, Cayooges, Oneidas and Tuskarores.

OUR BRETHREN,

Four years since, at a great Treaty held here with your Chiefs, we confirmed all our former Treaties with you, we brightened the Chain, kindled our Fire, to be kept always burning here for you, opened &

cleared the path between your Country and Ours, & made ourselves & you one Body and one People.

The Chiefs of all your Nations being met at your great Fire or Council in the Country of the Onondagoes, having heard of & considered that Treaty, were so well pleased with it that it was agreed, as you have told us, that you who are the principal of all your Chiefs, should come down & visit us & more fully & absolutely confirm that Treaty, which you accordingly did a few days since at our great House in Town, in the presence & hearing of some thousands of our People, and it was done not only in behalf of us ourselves, & yourselves, but for our Children & Children's Children to all Generations, as long as the Sun, Moon, & Earth endure.

Thus this Treaty, by which we are to become as one People & one Body, is in the strongest terms confirmed never to be changed, but to be kept in everlasting Remembrance.

But besides what we have already concluded, we shall now, for the further brightning the same Chain, & that no Spot or Blemish may be fixt on it, speak to some particulars for your more full satisfaction.

It has been agreed between us, that we should suffer no Injury to be done to one of your People more than to our own, nor without punishing the Offender in the same manner as if it had been done to one of our People; And you also engaged, on your parts, that you would give us the like satisfaction for every Injury done by your People to any of ours; and whatever should happen of this kind it should make no other Difference than as if the Injury were done by one English or white Man to another, & so in the Case of an Indian. Now since you came hither, we have heard that a white Man, one of our People & one of yours, being both in Liquor, quarrelled at Allegheny; that the Indian struck at the white Man with a Knife, & the white Man gave the Indian some blows on the head, of

which he died in 4 or 5 days after; that the white Man got out of the way & hid, & when he heard the Man was Dead he ran away to the Southward, to Virginia. Who was first in the fault in this Matter, we know not, but we have now issued a Proclamation for apprehending the white Man, & proposed a Reward of ten pounds to any one who will Seize & Deliver him to some Magistrate or Officer, that he may be putt in Prison & tried for his Life. If then it appears that he willfully killed the Man, he will be hanged by our Law; if it was in Defence of his own Life, he is not to die for it; but after he is tried we shall acquaint you how the matter appeared. The first Account we had of it was in a Letter, which the Interpreter shall read, & acquaint you with it; but that story being told only on one side, we do not depend on it for the truth: And thus we shall act in all such cases, as Brethren always ought, whenever they unfortunately happen.

We are very sensible Rum is the principal Occasion of these Disorders, & we heartily wish any means could be possibly found to prevent the Abuse of it. You have desired us, in your discourse with the Proprietor, to recall all our Traders from Ohio or Allegheny, & the branches of Sasquehannah. We desired at our Treaty four years agoe, that all our Indians, the Delaware, Shawanese, & others, should be recalled from Ohio, for we knew not then but there might be War with the French; & you know the strength of a People consists in their being drawn close together, as into one Body, & not to be scattered. But we know not what you mean by recalling our Traders, for you are sensible the Indians cannot live without being supplied with our goods; they must have Powder & Lead to hunt; & Cloaths to keep them warm, and if our People do not carry them, others will from Maryland, Virginia, Jerseys or other places, and we are sure you do not desire that the Indians should trade with those People rather than with ours. The Traders of all Nations find the In-

dians are so universally fond of Rum, that they will not deal without it. We have made many Laws against carrying it; We have ordered the Indians to stave the Caggs of all that is brought amongst them, but the Woods have not streets like Philadelphia, the Paths in them are endless, & they cannot be stopt, so that it will be carried either from one Country or another; and on the other hand, the Indians are so very found of the Liquor, even the best of them, that instead of taking it from those who bring it, & staving it, they take and drink it, which is both unjust in it self & does more mischief; for the Traders, if they kept it, would hand it out by stealth, in small Quantities; but the Indians, when they take it, drink it off by great quantities, so that no Method we can find will prevent the Indians having it, till they are so wise as to refrain it of themselves; and why are they not so wise? They show very good strong sense in other things, & why cannot they act like us? All of us here, & all you see of any Credit in the Place, can every day have as much Rum of their own to drink as they please, and yet scarce one of us will take a Dram, at least not one Man will on any Account be Drunk; no, not if he were hired to it with great sums of money.

And now to bind & confirm all these our Words, we have provided for you the following Goods, which will be delivered to you to-morrow at the President's Lodgings, to witt:

| | |
|---|--|
| One hundred pounds | of Twelve Duffells, |
| Powder, | Thirty-one yards & $\frac{1}{4}$ of half |
| One hundred & fifty | thicks, |
| pounds of Lead, | Twenty-five Hatchetts, |
| Twelve strowds Match- | One hundred Knives, |
| coats, | Two hundred flints, |
| Twelve Kettles, | One dozen looking Glasses, |
| Twelve Blankets, | Three dozen of Scissars, |
| with some Tobacco, Pipes, Rum, & Sugar. | |

October 13, 1736.

Introductory Address to the Assembly.

THAT THE ASSURANCES THE HOUSE HAD given the Board could not but be acceptable, & he hoped they would prove satisfactory, but as he could now make no Answer for any more but himself, the other Members might, if they pleased, speak their sentiments; That he must observe in Behalf of the Board, that all the Powers of Government being by the Law devolved on the President & Council, who are to exercise the same "as fully & amply as any Deputy or Lieutenant Governor of this Province may, can, or ought to do, Legislation excepted" (these are the Words of the Law), and since every House of Representatives, on choosing their Speaker, are obliged to present him, the Board conceived it incumbent on the House to make the Presentation to the President & Council, who alone are invested with the Powers of Government, and therefore they had sent their Message; but perhaps there might be more in the Reasons offered by the House than the Board had apprehended. That as unanimity on all Hands ought principally to be studied, as most essential to the well-being of Government, for from it the Blessings of Peace and Prosperity chiefly flow, he hoped all Endeavors would be used accordingly to cultivate & improve it.

October 16, 1736.

Introductory Address to the Assembly, treating especially of the Border Difficulties with Maryland.

GENTLEMEN:

It may probably have been some surprize to you, to find yourselves called to meet in Assembly so soon after your late Adjournment, but we could not

but believe it would be agreeable to the People in general, that their Representatives, who are no less immediately concerned in the Preservation of the Publick Peace, & whatever may affect the Quiet & Safety of the Inhabitants, than this Board should, on any extraordinary Emergency, have as early an Opportunity as possible of meeting & deliberating on such measures as may be necessary.

The Occasion of your being convened at this time is this:

You cannot be ignorant, Gentlemen, of the many unhappy Disturbances which, by the unkind Proceedings of our Neighbours of Maryland, have been sett on foot & encouraged within this Province ever since the first Notice he had of an Agreement being concluded between the Proprietaries on each side for determining their Boundaries & putting an End to the Differences that then subsisted.—Occasions of Contention from that time appear to have been industriously sought for by the Government of Maryland, who have given Proofs that they were determined, at all Events, to quarrel with us. But the Measures lately concerted, the Execution of which, by a providential Discovery, has been prevented, cannot but affect every Man who regards the Quiet of his Country & has any Sense of Humanity. A Scheme was laid for disposing no less than three-score Families who live within the unquestionable Bounds of this Province, for no other Reason than that those poor People having been, by the Artifices & specious Promises of some Emissaries of Maryland, led to believe they were seated in that Province, had, on discovering their Error, been so just as to acknowledge their lawfull Proprietors, to whom, at their first Arrival, they had engaged their Fidelity, & to own that Government of which, without Question, they were Inhabitants. And what heightens the Wickedness of this Scheme is, that it was to be executed about this

time, when, from the usual Rigour of the Season, these poor Families must have suffered inexpressible Hardships, & probably have perished thro' Want & Cold. Of all which, and what has further ensued on the general Consternation & Alarm which this Discovery has occasioned, the Papers herewith delivered will more fully inform you; and as it is not to be doubted but if this Design had taken Effect it would have soon been followed by others of the like Nature against many more Families, since Maryland may form equal Pretensions against a very great part of this Province, it will be absolutely necessary that we should jointly come into such Resolutions as may give us the most reasonable Prospect of putting an effectual Stop to those Violences, which must involve Numbers of the King's innocent Subjects in Confusion & Disorders, not only calamitous in themselves, but such as must render a Government or People who in any manner contribute to the same, or labour not by all due Methods to prevent them, obnoxious to His Majesty's just Resentment.

December 6, 1736.

Letter to the Commissioners from Maryland Concerning the Border Difficulties.

TO EDMUND JENINGS AND DANIEL DULANY,
Esqrs.

Gentlemen:

There is nothing you can propose to us consistent with Reason & Justice that man contribute to the establishing of a good Understanding between the two Provinces of Pennsylvania & Maryland, wherein we should not readily & chearfully concur with you for obtaining so good an End, but we are perswaded

you have not considered the Nature and Consequences of what you now desire of us, or you have proposed it without any possible Expectation of our Compliance.

It is that we should deliver up to the Officers in Maryland the Sherif of Lancaster county, with all those who assisted him in the late Action of apprehending Thomas Cressap, for that it was done (you say) in Baltimore County, in the Province of Maryland, and therefore they ought to be prosecuted in that Government, but it is well known that the government of Pennsylvania never acknowledged the Place of his Settlement to be in Maryland, for we are assured of the contrary, nor did any of your Lord Proprietors, as far as we can possibly learn, ever claim it till after his present Lordship, by a solemn Agreement, had fully & absolutely released to our Proprietors, not only all that part of the Country but many miles further to the Southward; Which Agreement, since the Expiration of the term named for carrying it into Execution, has not only been declared valid in the Opinion of divers of the ablest Counsel in England, but you are sensible that upon a hearing of the Lord Baltimore's Petition before the King in Council, on the Subject of his claims, it was by the allowance of that great Authority carried into Suit in the High Court of Chancery, the Supreme Tribunal for Original Causes, to be determined there, where it is now depending; your Proposal therefore directly implying that while our Proprietors are in Prosecution of that Suit, this Government should as far as in us lies make void that Agreement; we are perswaded you will not suppose we could be guilty of so unaccountable a Procedure.

As to the Action, we own it was violent, & such as this Government never would encourage, but the Case was extremely singular, and the Provocation & Incitement were such as we presume have rarely, if ever, been known in an English Government before. A most

inhumane scheme was laid in Maryland, of which we have incontestable Proofs, to throw out of their Dwellings, & expose to all the Rigours of a severe Winter Season, about threescore innocent Families, Women & Children, & bring Strangers who had not the least Claim of Right into the Possession of their Houses, Plantations, & Fruits of all their Labours, on no other Pretence or Charge against them, than that they had disowned the Jurisdiction of the Lord Baltimore; that is, that those poor ignorant Foreigners who had transported themselves from Germany into Pennsylvania, had here taken the Oaths of Allegiance to His Majesty, & engaged their Fidelity to our Proprietors, having been imposed on by Cressap & such Emissaries, to believe the River Sasquehannah was the Boundary between the two Provinces, & that the west side of that River was Maryland, on their passing over thither, & settling on that side, on the fair promises made them, acknowledged that Government, tho' 'tis affirmed they never had any Grant from it for the Lands they lived on; And then on their discovering their Error, & the Abuse put upon them, they had thought themselves obliged in Conscience to declare to the Government of Maryland the Sense they had of their Mistake, & to own their rightfull Proprietors. Whereupon an armed Force of about three hundred Men was sent up by your Governor in an Hostile Manner, with Beat of Drum & Sound of Trumpet, to awe those poor People into a Compliance with his Designs, & to terrify his Majesty's Subjects in that part of the Country. But this Expedition proving fruitless, the above-mentioned wicked Scheme was soon after concerted. And what a horrid Scene of Cruelty & Desolation must have ensued on that attempt to dispossess those People, who could not avoid resisting & defending themselves to the utmost against so barbarous an Invasion, may be easily conceived, & must truly raise a Horror in the Breast of

every Man who has any Sense of Humanity, or but the least Regard to Justice, as it must have justly surprized our other Inhabitants of those parts, who being informed of this destructive Scheme designed to be executed on Lands lying even without the Limits that Maryland, were they to have their utmost Pretences, could lay any claim to, could not believe themselves secure in any Situation against other like Attempts, or the most unjust & cruel that could be contrived.

Cressap, a Man raised, for the Savageness of his Temper & daring Resolution, from the lowest Infamy to bear Command, placed in those parts to take Possession of them for Maryland, and supported by your Governor, from the time the Agreement was entred into, to act in direct Opposition to the express Terms of it, was the Person entrusted to conduct these Designs, & for this End he had very lately brought up the Bay, from Annapolis, a large Quantity of Arms & Ammunition. He was authorized & actually listed Men at twelve pounds per Annum for the Service, swore them to be true to himself, & to assist him in all such Enterprizes against the Pennsylvanians as he should undertake, had promised Rewards & the Protection of Maryland to some whom he had thus listed, for perpetrating the Murther of a Person living opposite to him on the east side of the River, & held himself ever ready for the Execution of every Design that could be formed there for disturbing the Inhabitants of Pennsylvania.

It is therefore not to be admired, if the Sherif of Lancaster, having, by Warrants from the Provincial Judges, been oftentimes commanded to apprehend the said Cressap, on a Charge of Murther, was strongly urged by the threatned Inhabitants to take & secure him by any means in Order to bring him to Justice, and to prevent, in Time, the Execution of those execrable Designs. And thus the said Sherif, in the lawfull

Execution of his Duty, near twenty miles within his County, was by the violent Resistance of the Criminal an his Accomplices, & with a view only to avoid shedding of Blood, obliged to give way to measures in which, whatever may appear to have been illegally committed, he & his Assistants are to answer it to a proper Judicatory, before whom they may be called, but that this cannot be in Maryland, as we have fully shewn before. However, to take off from the Heinousness of your Representation, there is strong Evidence that the Person killed fell by a shot from Cressap's Party, & we find that the House that was burnt belong'd not to Cressap, tho' he lived in it by permission, but to an old Inhabitant of Pennsylvania. Upon the whole it appears evident that Cressap & his Accomplices are in Reality accountable for the Blood that has been shed, and all the Evils that have happened in taking him, we cannot therefore be so far wanting in the Duty we owe to His Majesty, our Country, & an injured People, as to comply with your Demand, by ordering the Enlargement of so wicked, daring, & dangerous an Offender.

In the mean time, unless the Government of Maryland will think fitt to enter into some effectual pacifick measures with us, which on our parts, as this Government always has done, we most earnestly desire, & we should be pleased to think that you, Gentlemen, had it in Charge from your Government to treat on the Subject, to put a Stop to all these Violences, that His Majesty's Subjects may live in Peace, & enjoy their Share of that Tranquility & Security that His Majesty most gloriously employs his whole Care & Labours to procure to all His People; we cannot but think it the immediate incumbent Duty of this Government to represent & offer to His Princely Consideration the State of these his harrass'd & suffering Subjects, that of His inherent

Clemency & Goodness He may be graciously pleased to interpose His Royal Authority.

Signed in behalf of the Council,

JAMES LOGAN, President.

Philadelphia, Decembr. 10th, 1736.

Petition to the Crown Concerning the Border Difficulties with Maryland.

THE PETITION OF THE PRESIDENT & COUNCIL and of the General Assembly of the Province of Pennsylvania,

Most Humbly Sheweth:

That the Provinces of Pennsylvania & Maryland lying contiguous, the northern Bounds of Maryland being the southern Bounds of Pennsylvania, tho' the Limits between them were never agreed on with any exact certainty before the year One thousand seven hundred & thirty-two, yet except in some few Instances on the part of Maryland, the People of either Province, in making their Settlements, scarce ever varied above a mile or two from the place which the old Lord Baltimore set to himself for the northern Bounds of his Province above Fifty years ago; but for the more effectual preventing any Misunderstanding between the Proprietors & People of the said two Provinces, it was in the year One thousand seven hundred & twenty-three-four, agreed between the present Lord Baltimore, Proprietor of Maryland, and Hannah Penn, Widow & Executrix of William Penn, late Proprietor of Pennsylvania, deceased, That for the avoiding all manner of Contention or Differences between the Inhabitants of the said Provinces, no Person or Persons should be disturbed or molested in their Possessions on either side, nor any Lands be surveyed, taken up, or granted,

in either of the said Provinces near the Boundaries which had been claimed or pretended to on either side: Which agreement, tho' it was to continue eighteen Months only, yet it was deemed to be such a reasonable Expedient for preserving the Peace upon the Borders of the two Provinces, where they lay contiguous, that was carefully observed by the Government of Pennsylvania, as also generally by the Government of Maryland, until about the year One thousand seven hundred & thirty-two, when the Lord Baltimore and the Proprietors of Pennsylvania, at the special Instance of the said Lord Baltimore, solemnly entered into Articles of Agreement for dividing the Province of Maryland from the Province of Pennsylvania, and the three Counties of Newcastle, Kent, & Sussex, on Delaware, commonly called the Territories of Pennsylvania, In which Articles it was provided that a certain Number of Commissioners should be nominated on each side for marking out & running the Lines agreed to be mark'd out and run as the Bounds between the two Provinces & Counties aforesaid, which Bounds were so particularly & expressly described and set down in the said Articles, that there seem'd no Doubt but the same would have been carried into Execution according to the Tenor, true Intent, and Meaning of the said agreement. Yet so it is, May it please the King, That notwithstanding the Clearness of the said Articles, the Lord Baltimore & his Commissioners, by starting the most unreasonable Objections, evaded running the Lines thereby agreed on for the Boundaries between the said Provinces; And at the same time the said Lord Baltimore and his Deputy Governor set up a Claim to the Lands lying on the west side of Sasquehannah River, near twenty miles further into the Province of Pennsylvania, than the Boundaries agreed on by the said Articles, and making use of one Thomas Cressap (a Person of mean Circumstances and infamous Char-

acter, who had taken Possession of a Piece of Land in Lancaster County, in the Province of Pennsylvania, formerly surveyed under the Proprietaries of the said Province) to perswade some innocent German People lately come into Pennsylvania, who were ignorant of our Language & Constitution, to take Possession of those Lands, and acknowledge the Jurisdiction of the Lord Baltimore, assuring them at the same time of being free from Taxes, and that they should have Protection from the Government of Maryland. The said Cressap then proceeded with armed Force to seize & hurry to Prisons in Maryland several of our Inhabitants, who were seated upon Lands above twenty Miles within the Province of Pennsylvania, as well as from those Boundaries set by Charles Lord Baltimore above fifty years since, as from the Bounds agreed on by his present Lordship in the year One thousand seven hundred and thirty-two; and the better to carry on the Designs of Maryland, the Deputy Governor of the said Province vested the said Cressap with the Powers of a civil Magistrate, and dignified him with a military Commission, furnishing him with a large quantity of fire Arms and Ammunition; Whereupon he became exceedingly insolent & oppressive to the peaceable Inhabitants of that part of the Country. To put a stop to which Proceedings, the Deputy Governor of Pennsylvania, with the Advice of his Council, sent Persons to the Deputy Governor of Maryland fully authorized to concert Measures for preserving Peace and good Neighborhood between the two Provinces, by agreeing upon some Bounds to limit their Jurisdiction, without Prejudice to the Right of either of the Proprietors, until the Differences should be absolutely settled, either between themselves or by due course of Law. But so far was the Deputy Governor of Maryland from entering into any such pacifick Measures, that the People of Pennsylvania then in Prison were prosecuted upon

Informations preferred against them in the Courts of Maryland, as having intruded upon the Lord Baltimore's Lands, and (as they call it) against his Lordship's Peace, good rule, & Government, and heavy Fines laid on them on pretence that they would not own the Authority of the said Lord Baltimore; And a Surveyor, guarded by Cressap with a Number of armed Men, came up into the Heart of Lancaster County aforesaid, to survey Lands which had long before been surveyed, and some of them seated in Right of the Proprietaries of Pennsylvania. And the Lord Baltimore and his Deputy Governor still continuing not only to disregard all Propositions for avoiding these Differences, & endeavoring by all means to make void the said articles of agreement, our Proprietaries found themselves obliged, in the year One thousand seven hundred and thirty-five, to exhibit their Bill of Complaint in the High Court of Chancery of Great Britain, against the said Lord Baltimore, wherein they have set forth their Right to the Lands in Question between them and the said Lord Baltimore, which he had in a solemn manner Released to them by the said Agreement made in the year One thousand seven hundred & thirty-two, And have prayed the Aid of that Honorable Court in compelling the Execution of the same; And thereupon it was hoped that all further Differences concerning the Limits or Bounds of the said two Provinces would cease until that Controversy should be determined. But instead of paying Regard to the Authority of that high Court, the Deputy Governor of Maryland, after Notice of the suit commenced against Lord Baltimore, lest the deluded People shod. thereupon see their Mistake, hastned up into Lancaster County aforesaid, and with Sound of Trumpet before him, rode amongst the Inhabitants to animate & fortifie them in their Adherence to the Lord Baltimore, & their Opposition to Pennsylvania; But finding that neither his own Endeavors

nor those of the aforesaid Cressap, notwithstanding the Countenance given him, could prevent those Germans, who by false Suggestions had been prevailed on to own the Government of Maryland, from returning to their first Proprietors of Pennsylvania, the Deputy Governor of Maryland sent up in September last about three hundred Men in Arms, under proper officers, with Drums & Trumpets, to support the said Thomas Cressap and strike Terror into the Inhabitants of Pennsylvania, the only instance in America, we humble presume, where one British Colony have taken upon them to levy War upon another. But when the Officers who commanded those Forces from Maryland appeared not forward to commit Acts of Violence, such was the Inhumanity of the said Cressap, that he urged them with great Vehemence to Fire on some of the People of Pennsylvania who were going over the River in Boats to enquire into the meaning of such an Armament in that part of the Country. But this Attempt was no sooner over than another Design was set on foot by Maryland to disposses those Germans; a Number of Men were encouraged by the Deputy Governor of that Province to take Grants for those Lands, who, with an armed Force, were to throw the miserable People, with their Families, Women & Children, out of their Plantations, and from all the Fruits of their Labours, to be exposed without Shelter to the Rigours of the Winter Season, for no other Reason than that they could not in Conscience any longer own the Lord Baltimore for their Proprietor while they were seated on Lands that cannot possibly fall within the Limits of Maryland; and for effecting this cruel Purpose, the said Cressap was furnished by the Deputy Governor of Maryland, with about two hundred small Arms, & suitable ammunition. But tho' by a happy Providence their Project was discovered, some of the Heads, with others of the Confed-

erates, being seized in Pennsylvania, who have made a full Confession of the whole Design, as projected by them with the Deputy Governor of Maryland, yet the said Cressap was authorized to list, & actually listed men at the Rate of twelve pounds a year, with Diet and Lodging, swearing them to be faithfull to the Lord Baltimore, true to himself, and to go upon all such Enterprizes against the Pennsylvanians as said Cressap should direct. He then breathd. Rage & Fury, threatned Destruction, concerted with his People the Murther of some, & burning the Houses of others. The Inhabitants of Lancaster County could now think themselves no longer safe after such a Discovery, while the Person appointed to execute all these Designs was so strongly supported, so furiously animated, & furnished with such means of distressing them. But as the Principles of the People who first settled the Province of Pennsylvania, and of those who at present have the Administration of the Government, are well known to be against all military Force, and being sensible that all military Attempts of one subject of the Crown of Great Britain upon another are unwarrantable, they therefore only granted legal Warrants to the Sherif of Lancaster County for apprehending the said Cressap, that he might, in a course of Justice, answer for the notorious Offences he had committed; And the said Sherif, having for some time been possessed of a Warrant from the principal Judges for taking the said Cressap on a Charge of Murder, found by a Coroner's Inquest, the People being justly alarmed by so manifest a Prospect of their Danger, called upon the Sherif at all Events to execute his Warrant, in which they would assist him, for that they rather chose at all Hazards to attempt the taking of that dangerous and barbarous Man, than to live continually exposed to his Violences. Accordingly, the Sherif, attended with a Number of the Inhabitants of the County (who consist mostly of German

Protestants & other Europeans of the Communion of the Church of England & Scotland, of late years arrived here), went over to Cressap's dwellings in the morning early, read at his Door, in his hearing & in the hearing of his Accomplices in the House, the Warrant he had to take him, requiring him to surrender himself, but was answered only with horrid Oaths & Imprecations, and the utmost Scurrility of Language, and soon after he fired on the Company, who also discharged some Shot at his House, but without Intention of doing any Hurt; and thus they continued till near Sunsett, when the People, provoked by his Abuses & his frequent Firing, and finding no other Possibility of taking him alive, set fire to the House, which consisted of some round, unhewn Timber Logs piled one on another, of not above the Value of five pounds Eterling, and to which he had no Right, having before Released his tortious Possession to one of our Inhabitants; and the House being on fire, the said Cressap, with his Accomplices, rushed out, loaded with Arms, & firing upon the Sherif & his Company, they wounded one of the Sherif's Men, & happened to kill one of their own before said Cressap was taken.

But notwithstanding the taking of that turbulent Man, we have still just reason to apprehend yet further & greater Injuries from that Government, large & tempting Rewards being promised in Proclamation & otherwise by their Deputy Governor, before the taking of Cressap, for seizing divers of our Inhabitants, & particularly some of the principal Magistrates of Lancaster County, which we can by no means here divert, without entring into such an open Rupture as neither our Duty to Our Sovereign nor our Religious Principles will suffer us to Engage in.

We therefore most humbly beseech Our Gracious Sovereign, the common Father of all His People, to take our Case into His Princely Consideration, And that He

will be pleased to enjoin the said Lord Baltimore, & all others claiming Authority under him, to desist from all further Acts of Violence to the People of Pennsylvania, and that he do confine himself to the Bounds and Limits set to his Province, as well by his Grandfather as himself, until the same shall be determined by due course of Law, or grant to us such Relief as the King, in his great Wisdom, shall judge Equitable and Just.

And we, His humble Petitioners, as in Duty Bound, shall ever pray.

In behalf of the Council,

JAMES LOGAN, President.

By Order of the House of Representatives,

A. HAMILTON, Speaker.

December 11th, 1736.

Letter to the Commissioners from Maryland Concerning the Border Difficulties.

TO EDMUND JENNINGS AND DANIEL DULANY, Esqrs.
Gentlemen:

As in your Reply to us delivered yesterday to the Clerk of our Board, you chose to wave entering into every Circumstance we urged (you say) for arguments, to support our Refusal of your request, we shall, to save time, take the same Method in relation to your Paper; but there are some Points we cannot forbear observing, wherein we clearly see you have either been misinformed, or have not been let into, or have not considered the full state of the Case.

We assure you the place where Cressap settled was many years since surveyd. in right of our Proprietors, and a regular Return made of it, and divers persons were seated thereabouts, and on the adjacent Lands,

and paid Taxes to this Government, some years before Cressap was known in those parts, as incontestably appears by the County Levy Rolls and the Evidence of such as Collected those Taxes, & or other Inhabitants; and we shall add that tho' the 40th degree which you mention in another place, no way enters these Debates, if there be any dependance on the Artists of Pennsylvania, there is not that certainty that the said place lies within that degree that your Government seems of late to have imagined.

Your proposing to us to Consider how consistent the late Proceedings against Cressap are with the Deference due to the High Court of Chancery, would be just if our People were the Aggressors, but an officer executing a legal Warrant against a Criminal was never yet, we presume, accountd. such in any Construction of the Law whatever; Our Sherif's had made several fruitless attempts before to take him for the said Crime, and his behaviour daily rendred that execution more necessary; But while you referr this to our Consideration, we must desire you on your parts to reflect how inconsistent the late violent Proceedings of Maryland, mentioned in our former Paper, are with that Deference which you cannot but be sensible is equally due from your Governmt. as from us.

It would take up too much time to state again the Case of those Germans; they have themselves represented to His Majesty, whose great Wisdom & Goodness cannot fail to consider it. Nor is it now of any use to discuss a point so generally understood as Cressap's just Character, which Numbers of your Government know to be infamous; and it is surprising that any should have represented him as a modest Man, while he is so well known to be one of the most scurrilous & Abusive of Mankind.

Our Observation that the House was not Cressap's, arose not from any opinion that it altered the Nature

of the Fact, but was mentioned to show his Loss was the less by that Deduction.

The Germans who yearly arrive here in great numbers, wholly ignorant of the English Language & Constitution, are obliged, on Account of our too near northern Neighbours, the French, whose Language many of them understand, not only swear Allegiance to Our Sovereign, but as a farther Tie upon them promised Fidelity to our Proprietors & this Government, a Practice only used with them & no others.

You are pleased to say we endeavoured to throw the blame of all the Disturbances on the Borders of both Provinces on the Governor & Government of Maryland, & whether we have not reason for it will appear from the Letters that have passed between our late Governor & yours on these heads, which we have on this occasion been obliged to peruse; And as you have thought fit for evincing the contrary to refer to one fact, "which is that in the year 1734, when two Gentlemen were sent from hence to your Government to make some Proposals concerng: the Inhabitants of both Provinces, such offers were made to them, and since repeated, as would (had this Government been pleased to have agreed to them) have effectually prevented all the Disturbances that have since happened, and preserved that Peace & Friendship (you say) which ought to be cultivated & subsist between Neighbors & fellow Subjects." To set you right in that Point, We desire you would be referr'd to Governor Gordon's Letter of the fifteenth of May last, to Governor Ogle, of the copy of which, to save a long Repetition here, you may if you please have the Perusal, and your Governor himself undoubtedly has the Original, from whence it will evidently appear how very far short those Proposals were, besides that one of them was impracticable of answering in any measure those good Ends you mention.

And now in answer to your Proposals, founded on

your Assertion that Pennsylvania has no Cognizance of the Offences wherewith Cressap is charged, that they are triable only in Maryland, that the Sherif of Lancaster County and his Assistants, whom you term Forces, shall forthwith be apprehended & give Security, that they may be amenable to Justice when His Majesty shall be pleased to declare His Royal Will & Pleasure where they shall be tried; and that Cressap, with the others imprisoned in this Province, may be bailed. We say that no Government can have a more perfect Confidence in His Majesty's Justice & Goodness than this of Pennsylvania. We know it to be His Royal Will, that all His Subjects be in their Lives, Liberties, & Properties, judged according to the known Laws of the Land; and as we are as fully assured that the place where Cressap was apprehended is within the Province of Pennsylvania, as that there is such a Province, we are equally certain that the Offences committed in that place are tryable in Pennsylvania and not in Maryland. But tho' from the most exact accounts we have received of the Proceedings of the Sherif, and of those who assisted him, the Resistance to His Majesty's lawfull Authority, & the violences offered to His Officers of Justice, may, as those skill'd in the Law assert, acquit them of the heinous Guilt wherewith you charge them; yet you may be assured, that if it should appear to His Majesty that they have, in the Execution of their Duty, done anything unlawfull, and He should be pleased to direct a Prosecution of them, this Government, ever regardfull of His Royal Commands, will not fail to take the most effectual measures for obliging the Sherif and all others to appear & answer for what they may be charged with in a due Course of Justice.

Nor can we apprehend that our proceeding against such notorious Offenders as Cressap and the others will be construed any want of Duty to Our Sovereign.

for were this to be the Case it may at any time, be easy for the Government of Maryland to put a Stop to the prosecution of Criminals by setting up a Claim to the Place where the Fact was committed.

And since Cressap is now in Custody on a Charge of Murther, & thereby prevented of perpretrating those cruel & barbarous Designs on the Inhabitants of this Province, wherein he was to bear so great a Part, we cannot believe we should ever be able to answer it to His Majesty, who expects, and indispensably requires, of all who are entrusted with the Powers of Government under him, a due Regard to the Preservation of His Peace & the Security of His Subjects, if we should allow Criessap's Enlargement until he is discharged by a due Course of Law.

In the mean time, if your Governor will agree (and we are truly sorry that you, Gentlemen, are not vested with Powers for so good an End) upon some certain Boundaries to limit the Jurisdiction of the respective Provinces, without Prejudice to the Right of either Proprietor, until the whole Dispute shall be ended, or upon any other reasonable measures by which His Majesty's Subjects may enjoy Peace, and no longer be harrass'd in their Persons & Possessions, we shall chearfully & with the most sincere Zeal come into any Methods that can be proposed, consistent with the Laws & common Justice, until we are so happy as to receive His Majesty's Pleasure on the humble & dutifull Application which this Government have found themselves obliged to make for His Royal Interposition, that thereby a due Obedience may be enforced from all His Subjects to His sacred Authority and Commands.

In behalf of the Council,

JAMES LOGAN, Presiddt.

Philadelphia, December 14, 1736.

Letter to the Lieutenant Governor of Maryland Concerning the Border Difficulties.

SIR:

We received on the 7th yours of the 1st Instant, by the hands of Messrs. Jenings & Dulany, desiring us to have Faith & Confidence in whatever those Gentlemen should request from, or propose to our Board, on the Subject of the late Action of the Sherif of Lancaster County, & his Assistants in taking T. Cresap, and the Accidents that attended it. Accordingly we have received, considered, & answered what those Gentlemen have thought fit to offer to us touching that affair, All which having passed in writing between us, We request that, for the full knowledge thereof, you would be referred to the Papers.

But as those Gentlemen have declared they have no Authority to treat any further with us, We take the freedom to apply directly to yourself, requesting you would be pleased to join with this Government in some effectual measures, that all His Majesty's Subjects dwelling on or near the disputed Borders, who are equally Objects entitled to His unlimited Goodness & Care, may enjoy that Peace which He ever Studies to give to all His People, till such time as His Royal Pleasure can be known & His Orders be received for putting an End to all these unnatural Contentions, for which we have humbly applied, as probably you may think it proper to do the same; And we shall in the mean time, on our part, very chearfully come into any reasonable Concessions that can be proposed for obtaining so good an End. No People living being more sincerely de-

sirous of establishing & maintaing, a perfect good
Understanding with our Neighbours than,

Sir,

Your Friends, & humble Servants,

In behalf of the Council,

JAMES LOGAN, Presidt.

Philadelphia, 16th Decemr. 1736.

Addressed:

To the Honble Samuel Ogle, Esqr.,
Governor of Maryland.

To the Council in Reply to Certain Reflections upon the
President and the Whole Government by the Com-
missioners of Maryland.

TTO THE COUNCIL OF PENNSYLVANIA.

Gentlemen:

As the supplemental Part of the last Paper, delivered to me by the Commissioners of Maryland on the 16th instant, now before the Board, contains a very abusive & heinous Reflection on my self as well as the whole Government, I conceive it incumbent on me to do Justice to my own Character thus indecently attacked, and to satisfy this Board in the Particulars that have given Rise to the Aspersion, by representing the real Matters of Fact, which will at once shew the Dishonourableness of the Attempt in those Gentlemen, & the particular Injustice of it towards my self.

The Board are sensible the Letter of Credence brought by those Commissioners from their Governor, & all the Papers they delivered were directed to the President and Council of Pennsylv. & they were told and very well knew that the Administration of the Government, on the Decease of our late Governor, by our Constitution, devolved, not on a President, as is usual

in other places, but on the Council, that is a President & a certain Number with him making a Quorum. Accordingly they delivered their first Paper to the Board sitting, & in the same manner received their first Answer; but some time after they thought fitt to make several verbal Applications to the President alone, & particularly two Requests, the first on the 14th instant, that Cressap might be eased of his Irons, in which Point tho' I expressed my Willingness to gratify them, yet I then promised nothing further than that I would enquire & see what might be done in it, & sending that evening for the Prison Keeper, after some Assurances from him that he could answer for his safe keeping without Irons, I ordered them to be taken off, & in this the Gentlemen had all the favour they craved.

The next day about ten in the morning, they applied again with their second Request, that the other three Prisoners in Philadia. Goal might be admitted to Bail; in this also I shewed the like Inclinations, and after some Discourse of the manner of doing it, told them they must apply to one of the Judges. The Gentlemen said that in their Province, and in Virginia, such Bail was sometimes taken by the Governor, hinting, as I understood them, that I might do it my self; but I answered that I would by no means meddle with it, upon which they concluded to apply to Judge Grame in the afternoon, desiring me that I would speak to him on the Subject, which I said I would, or words to that Effect; but I do affirm that I never promised the Men should be bailed. I indeed shew'd my own Inclinations, but left the matter wholly to the Judge, who I expected would proceed on the Occasion agreeable to Law, which alone was to be his Direction.

About one in the afternoon, the Judge with three other Gentlemen whom I had invited to bear the Commissioners of Maryland Company, came to my House, and by the Discourse they immediately fell into, it ap-

peared the Judge had by some Means heard of the proposal to bail the Men, upon which he said, that on considering the Commitments he did not see that it could be done legally. The Matter was spoke to a little, & the Judge continued of the same Sentiments. The Gentlemen of Maryland joyning the Company, they all staid till near night; and then rising, I took Edmund Jenings aside and told him that there were Objections made to what they had proposed in the morning about Bail; that I perceived by the Judge at his first coming in he had been spoke to about it, and that he was of opinion it could not be legally done. Edmund Jenings expressed some Concern at this, but added, it signified the less (or to that effect), for that to speak the Truth they found it very difficult to procure Bail. And our Conversation having continued amicably for a small time on that & the like Heads, we parted very friendly.

But next morning, on the same subject, the Gentlemen coming in upon me, and forgetting all Rules of Decency, without any Provocation whatsoever more than has been mentioned, which was a continued Series of Behaviour & Actions as far as it lay in my Power to make them easy, they attacked me with a Warmth & Behaviour which, as it was only to my self, I shall avoid speaking of it in the manner it deserves; but their opprobrious Reflections in the several Companies they came into afterwards during the few Hours they staid in Town, with that heinous Charge in their Paper against the whole Government, from such an occasion is what I presume no Gentlemen whatever as such will pretend to account for; & indeed it is a melancholy Reflection that whatever personal Characters Men of Worth may be entituled to, yet when employed in the Affairs of Maryland in relation to this Province, they appear to be entirely laid aside (the Practice of which began in the Winter, 1732), and it becomes scarce safe to trust one's self alone with them on those Points.

Thus much I have thought necessary to say for the Information of this Board, and in my own Vindication from the unmerited Abuses bestowed upon me in return for the favor shewed in one Point, and the Inclinations I expressed to gratify those Gentlemen in the other, provided it could be done in a legal Method.

JAMES LOGAN.

Philadelphia, December 18th, 1736.

Letter to the Lieutenant Governor of Maryland Concerning Certain Charges Made by the Commissioners of Maryland.

SIR—

After we had dispatched to you our Letter of the 16th instant, our President laid before our Board a Paper he had just received before from your Commissioners, Mr. Jenings & Mr. Dulany, the last or supplemental part whereof carries such an heinous & abusive Reflection upon this Government, that we should be highly wanting to ourselves if we did not show the Injustice of the attempt.

Those Gentlemen have thought fitt to charge our President with promising that Cressap's Accomplices should be bailed, and not performing it. With respect to which he assures us that tho' he expressed to them his Inclinations for admitting them to bail, he at the same time referred them to the Judges as the proper Persons to be applied to upon that Occasion. And of the Truth of this we cannot doubt, not only because of the well-known Veracity of that Gentleman, but likewise that a President by our Constitution has no sole or separate Powers from the Council. He, therefore, could only shew his willingness to do any act of Favor to the Government of Maryland that should be con-

sistent with Law and Justice, and in Requitall he has been most unkindly loaded with abuses. But it is not difficult to see thro' the whole of this Clamor; for if those Gentlemen by their influence could have prevailed upon the President, or President & Council, or upon any Person in Authority, no matter whom, to admitt those Criminals to Bail, who they well knew were not Bailable, we should then have been the Object of their Mirth for our Weakness as we are now of their Resentment for not giving blindly into their Measures, and this, without Breach of Charity, we may presume to be the case. Why else was it that your Commissioners, when they found themselves disappointed in receiving that Favour of the President which they say they expected, did not purchase their Writs of Habeas Corpus which they well knew could not be denied, & upon their Return they would then have had an Opportunity of shewing if they could that by law those Men were baileable? But if the legal means have been left unattempted for the Relief of the Persons, it cannot with any Colour of Justice be laid to the Charge of this Government, and those Gentlemen to whose Care that Affair was committed are left to account in the best manner they think fitt for their Conduct in that particular.

Thus much we have thought ourselves obliged to say on this subject; which gives us further Reason to lament, that instead of experiencing any kind Disposition towards the Re-Establishment of a good Agreement between the two Provinces, every Occasion of widening these present Misunderstandings seems on the part of your Government to be industriously sought for. We must, therefore, beseech you to give Attention to our last Letter, that if possible some means may be found by which neither we nor any of His Majesty's

Subjects may be further engaged in such unnecessary and unnatural Contentions. We are,

Sr.,

Your Friends & humble servants,

Signed by Order & in behalf of the Council of Pennsylvania,

JAMES LOGAN.

Philadia., December 20th, 1736.

A Further Letter to the Lieutenant Governor of Maryland Concerning the Border Difficulties.

Philadia., March 5th, 1736-7.

SIR—

Our President communicated to us your Letter of the 24th of December, received by him in the morning of the first instant from the Post Office; which coming to hand near ten weeks after its Date, we sent for our Post Master to know how it had lain with him, and he positively declared that he received it but the preceeding evening, the 28th of February, by the Maryland Post, & that till he then found it in the Mail, he had never seen, heard, or knew any thing of it before. Being further questioned, he also assured us that the same Post had in the time mentioned made several Returns from Annapolis with Letters, which he had duly delivered as they came to his hands.

This Date, therefore, has laid us under some Difficulties how to consider your Letter; for as that appears, after all the Misrepresentations couched in it, to show some Disposition on your part to hearken to pacifick measures, yet such Hostilities & inhuman cruelties have been committed by Persons acting, as they affirm, by your Authority since that date, that we can by no

means reconcile them to the least Degree of Inclination to Peace. Therefore, to give the matter some Consistency, we shall suppose the Letter expresses your present Sentiments, but that for some Reason mysterious to us, you have thought fitt so far to antedate it, and accordingly we shall answer it as follows:

On these unhappy Disputes we have found it necessary to view & consider the several Letters that formerly passed between you & our late Governor on the subject, & heartily wish you had been pleased to review or recollect them, for we find every thing you had alledged in yours against this Government so fully answered by those of Governor Gordon, that if you had Recourse to them it must have presented your repeating the same things over and over. It has been the constant strain of your Letters, we observe, to load this Government with a Charge of Rioting & committing Insults on the Inhabitants of yours; &, indeed, if those Letters were to be read & depended on, we might be considered as some of the most unreasonable, turbulent, & unjust People in the Universe; yet when the real Facts & Proceedings as truly represented in the answers from this Government, are on the other hand considered by any equitable & impartial Judges, it will evidently appear you have thro' the whole been the Aggressors, and that till after your noisome Goals (as you have been fully told before) had been peopled with our innocent Inhabitants, nothing had been attempted on our part, and then only in self-Defence; for it cannot be doubted but that the apprehending of Criminals, Authors of the greatest Disorders, and constantly animated to continue them more insolently & abusively than ever, is as necessary a Part of Self-Defence as to oppose an Attack the same instant it is made.

But what must the World judge, or yourself say, of the last Transactions begun about the time of the date of your Letter, and since continued by your new Cap-

tain Higginbotham & his Crew, the seizing & taking at one time half a dozen quiet & peaceable Men from the human Office of digging a Grave to bury the dead of a Neighbor's Family, hurrying them thro' the Woods in the most rigorously cold Season that has been for some years known, about an hundd. miles on foot, & there committing them in the like Weather to a narrow noisome Goal without any other Subsistance than a Pint of Indian Corn boil'd in Water for the whole twenty hours, for which Pint of the value of about a half penny each Man is charged by the Sherif twenty pounds of Tobacco for each day, and no Fire, or any other Lodging than the bare Floor allowed them further than as the distressed People could procure them from the Humanity of others, or borrow money to purchase them. And others again of the same People yet more barbarously treated; for Instance, your Captain & his Gang breaking down the Window fired in upon the Family at one Man's house, then violently breaking up both his Doors they cruelly beat him & his Wife with their Guns till they broke two on them, & then took the Man; another they took from his Threshing, & being at the work very thinly clothed, his Wife following him to carry his Coat to him, they fired at the Woman and obliged her to return; they cut down the Door of a third & took the Man; at another who fled on Horseback to escape them they fired two Shot; at another's House they cut down two Doors & took the Man; at another's they cut down three doors, two at His House & one at his Mill, & took him; and then took two others who went to him with an Intention to have those unhappy Prisoners freed; and all these, when thus taken, they hurried down in the same manner to Annapolis & committed them as they had the others before. They have also since taken Joshua Minshal, a frequent Sufferer in your Goals, for no other

Reason formerly than acknowledging the Jurisdiction he lives under, and now for none that we can learn beside their own or your Will and Pleasure. Nor do we find that any thing is or can be alledged against those Dutchmen, or Germans, more than that being from their own Observation convinced (for they were never, that we can discover, solicited or perswaded to it by any of this Government) that the place they lived in could not be in Maryland but in Pennsylvania, & therefore, they thought themselves obliged in Conscience to acknowledge their rightful Proprietors, & accordingly lett you know this, a Proceeding that, on their application to some of our Magistrates of Lancaster, they were advised to as the most candid & ingenuous they could use on their Return to us, which they had of themselves proposed & were determined in before.

These unexampled Violences & Cruelties, therefore, laid this Government under a Necessity to engage the Sherif of Lancaster with a proper Strength to curb the Insolencies of those lawless Wretches, that they might not continually go on to the Scandal of Government in perpetrating such horrid Outrages, yet with strict Orders at the same time that they should disturb no peaceable Person, nor act any part but what was absolutely necessary to suppress that Criminal Gang. Now if by any Art, Colour, or Turn, these Disorders, or any of them, can be charged on us, though the attempt would not be with a Precedent in your past Letters, it might indeed be thought ingenious; but how just or consistent the Practice is with the Spirit & Disposition becoming all those who are entrusted under His Majesty with the Powers of Government, the sole End of which is to maintain Justice & secure the Peace of the Subject, even the meanest may be able to judge.

Much the same is to be said of what you insist on of the many pacifick Proposals you have made, which this Government always answers, you say, with a Collection

of fair & plausible Words, but nothing to the purpose: For of those two you made to Messrs. Hamilton & Georges, at Annapolis, the first was clearly shown to you by our late Governor to be most unreasonable, since the Consequence of it would have been the voiding of the late Agreement, which this Government must always insist on, & is well assured by good Authority, both is & must continue in full Force, unless it should be otherways declared by that great Judicatory it is now submitted to; and that the other, which was that all who had settled near the Borders since your Accession should be removed, & no further Settlements made till the Lines were fixed, was utterly impracticable. Your next Proposals made the last Spring, that it should be agreed on both sides, that all then in possession near the disputed Borders should be suffered to continue quiet in them, with a Salvo for the Proprietor's Rights, was also as fully answered, & demonstrated to be most unreasonable, for those parts on the west of Sasquehannah that have been lately made the scene of these Contentions, had for many years before the last Agreement, as well as the Lands on the East side, been in the rightfull possession of this Province, & never at any time in that of Maryland, but were invaded & asserted by you after that Agreement, which ought to have ended all Disputes of the kind, had been actually entred into, & when, from that time, you had carried on your unjustifiable Encroachments as far as you thought fitt, you then desired this Government would agree the Possessors should peaceably hold them, by which would have been conceded to you, as far as it was in the Power of our Government, every thing you wanted or could crave of us. Which is just the same as if of two Persons, the one being possessed of Goods by a Right fully acknowledged by the other, that other should forcibly deprive the first of them, and then require him to give Consent that he should quietly keep

possession of them till the Right were determined by Law—a Proposal that, when rightly considered & understood, all the rational and equitable part of Mankind must certainly conclude to be in the highest Degree unreasonable & unjust.

Now these Proposals, being all we can find you ever made, and seeing as well they as your repeated but unjust Charges against us have been very particularly & fully answered before, we beseech you to save yourself & us the Trouble of repeating or answering the same things any more. We beg you also to consider the Propriety of now continuing them, at the same time that a Gang of Profligate Fellows, in hopes that, in Reward of their Wickedness and Barbarities, they shall be put into Possession of the Labours of honest Men, are, by your Authority, ravaging the Country and committing such horrid Outrages as those we have mentioned, on the Unjustifiableness of which, & some other Proceedings, you may perhaps at length have reflected, & we will hope at least that you are now truly in earnest in proposing to treat of Measures that may fully put an End to them. It has ever been the sincere Desire of this Government to preserve Peace & maintain a perfect good Understanding with Maryland, and you well know my what means it has been interrupted. We may indeed now expect Orders from Court in a little time; but as many things may intervene to prevent or delay them, in the mean while it becomes us, in our respective Stations, to lose no Time in procuring to His Majesty's Subjects under our Care that Peace to which, while they act not criminaly, they have an undoubted Right under His auspicious Reign. Therefore, since you have now at length thought fitt to desire our Thoughts on the Subject, & to know what Concessions we would make, we shall here give our Sentiments of what appears to us the most probable Method, under

the present Circumstances of things, to establish Peace amongst those distressed People on the western side of Sasquehannah River.

Observing first, that when the Royal patent of Maryland is duly considered, & that it can be evidently made appear it was intended that Province should be bounded Northwards by a Line passing close by the Head of Chessapeak Bay; That Charles Lord Baltimore, very soon after the first Settlement of Pennsylvania, caused an East Line to be run from the Mouth of Occataroe Creek to Delaware, & sent his Commissioner to Philadia. to demand the Possession of the Lands to the Southward of it only; That Maryland never extended their Settlements to the Northward of that Line—those very few there were being made by Persons on their own Presumption; That the present Lord Baltimore, in the year 1723-4, agreed with our Proprietor that no Person in either Government should be molested for a certain space of Time, within which it was hoped the Agreement then in hand for fixing the Boundaries would be concluded, the Equity of which undoubtedly continued till such Conclusion; That his Lordship in the year 1731, by Articles between himself & our Proprietors executed the May following, agreed that his northern Boundaries should be an East & West Line, to the Limits of this Province, at the Distance of Fifteen miles South from Philadia & that all Persons seated to the northward of it should peaceably hold their Lands under Pennsylvania & those to the Southward of it under Maryland; That in that year 1724, not one Person was, or before it ever had been settled, as far as we can discover, by any Grant from Maryland, in any of those parts on the west of Susquehannah that have since been claimed by the Government of Maryland; These Particulars, we say, considered, it is cer-

tainly astonishing that Maryland should now make the least Claim or Pretence to any of those Lands that have of late been with such Violence invaded & asserted under your Government; All which we cannot but presume must be carried on without the Lord Baltimore's Privity, or at least without his Approbation; for we mention it to his Lordship's Honour, that upon Application made to him, when in Philadelphia, for the Grant of Lands lying on the west side of Sasquehannah, in those parts opposite to Connestogoe, he was pleased to declare, with that Frankness natural to his Quality, that he neither would himself nor suffer any of his Officers or Agents to grant any Lands within the disputed Bounds untill the Controversy should be ended. The late Agent also of your Land Office has positively declared that upon the several Applications that had been made to him for Grants of Lands in the same parts, he had ever refused them, which probably might proceed from the Knowledge of his Lordship's Sentiments & Resolutions in the Case.

Now seeing it is obvious to common Sense that without some certain known Limits for Civil Jurisdiction & the Administration of Justice, it is scarce possible by any means to avoid Confusion amongst the Inhabitants, & therefore some ought to be agreed on, Surely no Limits can be proposed more reasonable than those in being in the year 1724, extendd. Westward, or those agreed to in the Articles of 1732, with a full Salvo to be continued for the Proprietor's Rights & Claims on fixing the decisive Boundaries of their Property; for neither at the time of that last Agreement, nor at any time before, was our Exercise of Jurisdiction over those parts now contested, ever opposed or disputed, that we can learn. But in fixing such Limits it will, for the further preventing Disputes, be necessary that no new Settlements whatever shall be suffered in those parts,

save by the same Families that are now in Possession on the Lands they held or claimed before.

Tho' this Proposal appears the only one to us that can be deemed reasonable & prevent Confusion amongst the People, & We shall always be ready to submit it to the Judgment of Our Superiors, yet so ardent is our Desire to procure Peace to His Majesty's Subjects in those parts, who have been so miserably harassed by your late new Claims, that if on your Part you can propose any rational Measures to render the thing practicable, we shall not oppose but that all those who first took up their Lands under Maryland may be allowed to acknowledge that Government, only those who coming into this Province to inhabit it and going over Sasquehanna to seek for Settlements, were either forced or decoyed by T. Cressap or others to submit to your Government, ought certainly to be left to That to which they first belonged, and all those who settled as Pennsylvanians under This should continue so in Peace. But as it cannot be expected these Points can be settled between us by the Intercourse of Letters only, and other Particulars necessary to be considered may properly be thought of, we propose that some Persons on each side be authorized & appointed to meet at some convenient Place as Commissioners to adjust the whole.

In the mean time we make it a Preliminary that all those who have been employed on your part to seize our People, and all who appear in Arms for any such Purpose, shall immediately retire, as all ours also, whom our Sherif of Lancaster has been obliged to call & keep together to oppose the others' illegal attempts, shall on the first effectual Orders you give therein be likewise dismissed; & that no Person whatever in or near those parts shall on either side be molested on

any cause or Pretence arising from these Disputes or the Proprietary Claims.

And we must add, that as these Proposals are made on our part solely with a View on the present Exigencies to procure Peace to His Majesty's distressed Subjects, neither the whole nor any part of them shall by any Construction, Implication, or Inference whatsoever, be interpreted to make any Concession, or to give the least Advantage, directly or indirectly, to either your or our Proprietors or Government, on either side, in their respective Rights or Claims over the other; but excepting for the Purposes they are now intended, they shall in all other Respects be wholly void, as if never made or thought of.

These Proposals, we hope, will effectually convince you that we are not for offering Words (as you charge us) without meaning, but that we are truly in earnest; & that we may be the more sure of your Answer we send this, not by Post, but Express, & accordingly we crave it by his Return, and are,

Sir,

Yours Friends and humble Servants,

In behalf of the Council,

JAMES LOGAN, Presidt.

Be pleased to direct to President & Council and not to me only.

J. L.

For His Majesty's Service.

To the Honble. Samuel Ogle, Esq., Governor of Maryland.

Proclamation Forbidding the All Aid or Assistance to
the Spanish, said to be Preparing an Expedition
Against the Colony of Georgia.

BY THE HONOURABLE JAMES LOGAN, ESQR.,
President, and the Council of the Province of
Pennsylvania.

"A PROCLAMATION.



Whereas the Honourable Thomas Broughton, Esqr., Lieutenant Governor & Commander-in-Chief of His Majesty's Province of South Carolina, by his Letter directed to our President, bearing date the fifth day of last February, hath signified the Receipt of certain Advices from Commodore Dent of His Majesty's Squadron at Jamaica, that an Armament of Spanish Ships of War & Troops were preparing at the Havana to be sent to St. Augustine, & from thence attack the New Colony of Georgia; and the said Province of South Carolina, which last was thereupon taking all possible Precautions to give the said New Colony all the Assistance in their Power, & putting themselves in the best Posture of Defence, and for this End had prohibited the Exportation of any kind of Provisions, to prevent the Spaniards at St. Augustine receiving any Supply; but as they may be supplied from this Government, it is requested that the properest means may be used to hinder any Vessells going from hence to that Garrison. We have therefore thought fit to issue this, Our Proclamation, hereby strictly Charging & Requiring all His Majesty's Subjects within this Government, that they do not by any means, directly or indirectly, furnish the Spaniards, or any of them, with any Warlike Stores, Merchandizes, or Provisions

of any kind whatsoever, whereby a Furtherance may be given to such Enterprize against the Dominions & Territories of the Crown of Great Britain, as they will answer the contrary at their Peril.

Given in Council, under the Great Seal of the Province, at Philadelphia, the seventh day of March, 1736-7, in the tenth year of the Reign of Our Sovereign, Lord George the Second, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth.

JAMES LOGAN.

By Order of the President and Council.

R. Charles, Secry.

GOD SAVE THE KING.

Another Letter to the Lieutenant Governor of Maryland Concerning the Border Difficulties.

SIR—

We have received yours of the 11th instant, in the first Paragraph of which, after your Excuse for the Oldness of the Date of your former, you are pleased to declare “your sole view is to bring us to some reasonable measures, if possible, to put a stop to such Violences & Disorders as must at present no doubt occasion great Reflections on both Governments; tho’ when the Affair comes to be duly considered before impartial Judges, you make no doubt (you say) of a proper Distinction being made between the Aggressors & those who have done nothing but what Self-Defence absolutely obliged them to;’ and here we heartily agree with you, there being nothing we more earnestly desire than such an impartial Hearing and Consideration. But you should not speak of bringing us, if possible, to reasonable Measures to put a stop to the Violencies & Disorders you mention, for, as from the first, they arose wholly on your part, it lay always in

your own Breast when you pleased to putt a Stop to them, & it is the Point we ever pressed you to.

Your extraordinary manner of stating the Case would indeed set everything in a different Light; but while you can call your sending up about three hundred armed Men with Drum and Trumpet to terrify our Inhabitants by the name of levying of Taxes by the proper Officers, which is the first time we ever heard that alledged for their Business, and call our Proclamation issued on that Occasion, requiring our Officers to be vigilant and active for maintaining Peace & good Order, a proclaiming open War against your Province, nothing of what you are farther pleased to advance on the Subject can appear strange in a Representation so entirely of a peice in all its parts. We must observe, also, on your taxing us with Repetitions, that they are no more than what yourself, by your repeated Charges, have rendred necessary; for if you have the Charity to believe we think ourselves in the Right, you will undoubtedly be so good as to pardon us for saying so & giving our Reasons in Proof of it. But if such Repetitions, which we wished in our last might be avoided, are a Crime in us, we shall only crave you would be pleased to review your own Letters, and there you will abundantly Discover the Occasion with the Necessity we have mentioned.

Some other parts of your Letter we are content to pass over, our sole view, if you will allow us to use your own Words, being to bring you to some reasonable measures to putt a Stop to the Violences & disorders you have mentioned, & shall now proceed to consider the Parts that more immediately relate to the Grand & momentuous Point before us.

You are pleased on this Head first to load us with Blame for not accepting & then express your great Satisfaction on our now acceeding to your former Proposals, which you have thought fitt to cause to be copied at length into your Letter; and on viewing the

use you make of them we cannot forbear expressing our Admiration. It might be thought impertinent in us to transcribe them here again were it not that on your laying so very great a Stress on them it may be proper, by inserting them, to give you a readier Opportunity of reading them again. As they stand in your Letter they are thus: "That both Governments should immediately joyn in an Application to His most Gracious Majesty, with our humble and dutiful Request that he would be pleased to take into his just and wise Consideration the Mischiefs arising from the Uncertainty of the Boundaries of our respective Governments, and determine and fix the same as in his Wisdom & Justice he should be graciously pleased to order & direct. And further, that both Governments should by their joint Endeavors not only remove and discourage any new Settlements on the Borders which had been made since your Administration of the Government, but also by Proclamation in each Government forbid and deter any Person within our respective Governmennts from making any other new Settlements on the Borders till His Majesty's Pleasure should be known."

Now we beseech you on this Review to make an impartial Use of your own clear Understanding to find out how any thing there proposed can contribute to the present Peace of His Majesty's harass'd Subjects in or near those Borders. Surely an Application to His Majesty "to take the Uncertainty of our Boundaries into his just & wise Consideration" can give no immediate stop to the Violences that were then on all Occasions committed by Cressap, and are now daily committing by those Banditti (for we can find no Term more proper for them) who profess they act by your Authority. Or again, how the removing of great Numbers from their Settlements 'who had made them since your Administration' could give them Peace, for 'tis those very People who make up the Bulk of the Inhabitants now under Consideration, & the Thing they want is the

peaceable Possession of their Labours, while what you proposed is to turn them out of House & Home, the greatest Calamity their Families in general could be subjected to, tho' 'tis too true many of the Persons themselves have otherwise grievously suffered. That those Proposals of yours are conceived in very clear terms (were but the word Borders duly explained) is readily owned; but while you are pleased to say you must acknowledge your own Incapacity to explain by clearer & more significant words that Practicableness which is contained so exceedingly plain in the proposed Terms, we shall as freely own that the meaning of that Expression no less surpasses our Understanding. The Unreasonableness of the first part of those Proposals, as it directly infers a Voidance of the Agreement between the Proprietors in 1732, now in Chancery, and the Impracticableness of the latter, we find have been so fully spoke to, and so clearly demonstrated in our late Governor's Letters, that since those may so easily be referred to it would truly be a Repetition to bring the same in again here. We must, therefore, crave your Leave to express our Wonder at the Use you would endeavor to make of those Proposals, when at the same time you neither now advance, nor that we can find have ever advanced any thing to shew either the Reasonableness of the one or the Practicableness of the other, tho' so often objected to, save what you are now pleased to say of the Clearness of their Expression, in which we hope you will excuse us if we say we can scarce believe it possible for a Gentlemen of your very good Sense to be serious, since it plainly implies no less than that a Thing unreasonable or impracticable in its own Nature becomes reasonable or practicable by being expressed in clear, intelligible Terms, as if the Reality and Nature of Facts depended on words or Expression.

But what most sensibly affects us, & appears to us, as we conceive it must to all others, astonishing, is that

while in yours of the 24th of December you expressed, & still continue to express, so ardent a Desire of giving Peace to the People, yet you should from that time, now near three months since, support & countenance by your authority those horrid Barbarities by a sett of Fellows who having no Character nor certain Habitation, are for meer Want gathered together to insult, abuse, and plunder Numbers of His Majesty's peaceable Subjects, on which we cannot but again observe that it is not in the Power of Words to alter Facts or to change their intrinsic Nature.

It will ever be true and can be incontestably proved, for you oblige us to repeat it, that T. Cressap, whom, tho' a Person well known to have been of an infamous Character, you are pleased to dignify with the Title of Captain, was supported by you in committing many horrid Outrages on His Majesty's peaceable Subjects, in violently seizing and tying them as the most criminal Malefactors, & sending them into cruel Confinement into your loathsome Goals, tho' chargeable with no other Offence than their disowning the Lord Baltimore's Right to the Possessions thy had peaceably entred into under this Government; in killing one Man, who with some others told him they were come with a Warrant to apprehend him for those facts; and lastly, in being appointed the Chief Commander in a projected Scheme to oust a great Number of most peaceable People from their Plantations, only for declaring their Conviction in themselves that they neither were, in their Situation, nor could be Inhabitants of Maryland. These repeated Violences, & unsufferable Abuses, laying the Inhabitants of those parts under a Necessity of putting a Stop to them, by apprehending so egregious a Malefactor, the Sherif proceeded to execute a Warrant that had for a considerable time been issued against Cressap, & nothing but absolute Necessity, after a whole day spent in the deliberate Use of other Measures, put the Sherif and his Assistants on those

they found themselves at last obliged to, which the Law, as the skilfull in it positively assert, will justify in all such Cases, and after his Apprehension no other Person was molested; Yet on the part of your Government, Higginbotham & his Associates were furnished from your Magazines with large Quantities of Arms & Ammunition, not as you are pleased to alledge for Self-Defence, but as their Actions evidently show, in order to ruin other People, and of some of their late Outrages we took particular Notice in our last of which you have not thought fitt to take even the least in yours.

But what is yet more astonishing is, that even after our Receipt of your last, proposing an Accommodation. we had immediately a further Account of their continuing the same cruel Practices in seizing the Men, abusing their Families, & robbing them of, or destroying their Provisions laid up for the Support of themselves and their Creatures. This Rage and those Cruelties obliged us to direct the Sherif of that County, with a proper Assistance, to protect Our People from such Villanies; but as we are very sensible it is inconsistent with the Duty we owe to Our Gracious Sovereign to make War on any of His Subjects, who act even under the Colour of an Authority derived under the same Crown, we laid our Sherif, and all others acting by his Authority, under an absolute Restraint from offering any Act of Violence that might endanger Life or occasion Bloodshed—a Caution vastly different from that of those Ruffians who have not only made no Scruple, as we have shewen before, violently to break open the Houses of People perfectly innocent, and firing at divers others to the manifest Danger of their Lives. & even upon Women flying from their Rage.

These particulars of your inlisted People's Conduct we should even here have omitted to mention, were it not absolutely necessary once more to represent to your view the Miseries, the Calamities, & Desolation of His Majesty's distress'd Subjects, brought on them solely

by those new unjustifiable extended Claims made by your Authority since the last Agreement, while both Governments lie under the highest Obligations to preserve His Majesty's Peace, & secure & protect His Subjects in their Lives, Liberties, and Possessions.

We do, therefore, here assure you that it is not from an Opinion of the Reasonableness of any of these Proposals you have hitherto made to this Government, but from the Consideration of that Duty we indispensably owe to Our Sovereign, which most certainly is or ought to be the same on your part, and of the Distress of those afflicted People, that we made our last Concession, in which we had solely a view to the Subject's Peace, exclusive of all Considerations of Proprietary Rights or Claims, till such time as these shall by a due Authority be adjusted.

And now to speak more fully to the Point before us, you could not but observe we ushered in that Concession with a Proviso "that you could propose any rational Measures to render the Thing practicable," for we clearly saw it attended with Difficulties that we thought could be no ways so speedily & effectually remedied as by a personal Conference; & therefore well knowing the matter would require much more to be said on it, we proposed a meeting, but since you object to this unless there appears a Necessity for it, that no Time may be lost, we will here shew you what we have thought must prove the safest & best expedient for reducing what is proposed to Practice; After we had spoke to the Limits of Civil Jurisdiction, we proceeded to say that so ardent was our Desire to procure Peace to His Majesty's Subjects, that on the Condition above mentioned of your proposing rational Measures, &c., we should not oppose but that all those who first took up Lands under Maryland may be allowed to acknowledge that Government, only those, &c., and with that Exception of only those, &c., you are not satisfied; Now to render the whole more clear, & particularly to

mention those Expedients, we shall here in full Terms express our Meaning, which is, that those Inhabitants who at first entred on our Possessions under the Government of Maryland, should till such time as the Boundaries shall be settled, or till we shall receive Orders & Directions from a Superior Authority for establishing Peace, be allowed to acknowledge that Government, and all such others as entred on their Possessions under this Government should in the same manner be allowed to acknowledge it; but the more effectually to give Peace & quiet the People's Minds, as well as to prevent future Misunderstandings, we take it to be necessary & accordingly propose that all those Inhabitants who with their Possessions have been the Subject of the late Contentions or disputes, should in the mean time be exempted from the Payment of all Taxes & other Duties; Yet that each Government may, if they think fitt, assess their yearly Taxes, & keep an Account of them, to be discharged to that Government under which they shall be found to fall, or till the Receipt of further Orders from a proper Authority; but that in the mean time no further Settlements shall be made in those Parts, otherwise than according to the Exception in our last Proposal, that is by the same Families on the same Tracts they were possessed of before the Commencement of these Differences, viz., August last; and further, that all force shall be immediately removed, & no Person whatever be put to any Trouble, or molested on any Cause of Pretence arising from the past Disputes, or any Proprietary Claims, as in the Preliminary in our last, with the further Proviso following it, by these Words in which (for the Purposes they are now intended) we neither meant, nor as we conceived could be supposed to mean any thing further than the Agreement now in Treaty between us.

Our Reason for making the Exception of "Those who coming into this Province to inhabit & going over Sas-

quehannah," &ca., was that because the Germans you mention may have rendred themselves obnoxious to your Censure by making a Step they conceived to be their incumbent Duty, Such Provision ought to be made for them as that all the Inhabitants in those parts may, without Distinction, equally enjoy that Tranquility His Majesty has ever been desirous all His Subjects should be blest with, and accordingly we expect they shall all be treated equally with others.

Thus we have in the plainest Terms we can conceive proposed the most effectual means we can possibly think of for accommodating these Differences, which however, are undoubtedly a Dishonour to both Governments, & to which it is equally our Duty, without Delay, to put an End. 'Tis for this solely that we make these Concessions, howeyer unreasonable to be expected of us; & on your agreeing to them we hope we may without much Difficulty find, as there shall be Occasion, Means for preserving Peace amongst the People themselves; for as the Term for which this Agreement is proposed cannot probably be long, we may hope, from the Injunctions to be laid on them respectively by both Governments, they may live in such amicable Neighbourhood & preserve so good an Understanding as to give us very little Trouble.

We shall add, that if there should yet appear a Necessity for a Conference, which we with good Reason thought might prove the most expeditious Method for effectually compassing what was mutually proposed by us, yet as we have now been so full and clear in giving you our Sentiments, we shall hope that with the same hearty Disposition for Peace on your Part, that we again assure you we have ever most sincerely had on ours, the whole may without Loss of Time be accommodated, if otherwise, tho' our President by his great bodily Infirmities is rendred very unfit for the Fatigue of a Journey, yet we doubt not but his Zeal for the

publick Good will give him both Inclinations & Resolution to submit to it.

This by some unavoidable Circumstances has been delayed two or three days, but for the greater Dispatch we again, as before, send it by Express, & request you would give your Answer by him all you can on your part. It may not be unnecessary, for preventing all Objections, further to add, that as we have endeavoured to explain ourselves with the utmost Clearness, & to avoid all Ambiguity of Expression, we desire our words in these Proposals may be construed according to their plainest & most explicate Sense, for so we truly intend them, & are

Sir,

Your Friends and humble Servants,

In behalf of the Council,

JAMES LOGAN, Presidt.

Philadelphia, March 22d, 1736-7.

P. S.—Since the foregoing, we have received Advice of the 18th instant, that your People at their Garrison or Camp, as we hear they call it, went the preceeding day to the House of one Martin Schultz & stole or took out of it by force a Cask of eighty Gallons of Rum & two of his Horses to convey it to their place.

J. L.

Further Correspondence with the Lieutenant Governor of Maryland Concerning the Border Difficulties.

SIR—

We have received yours of the 29th of March, wherein you express your Satisfaction with the Concession made in the first of our Proposals, and we shall willingly hope that, as you have made no Mention of the rest, you joyn with us in our Opinion, not only of their Expediency, but Necessity, in order to give

Peace to those unhappy People on the west side of Sasquehannah River, who have been so unreasonably distressed by these late Contentions, & to lay as firm a Foundation as the present Circumstances of both Provinces, in Relation to each other, may admitt, till such time as our Boundaries shall be settled, or till we shall receive Orders from a Superior Authority for that purpose. We shall also hope that it was far from your Thoughts to mean any of these Proposals, by the Terms you are pleased to use of "such Provisoos & Conditions as can only serve for Evasions and the beginning of fresh Disturbances," for their Tendency to the contrary is so very manifest, that we conceive it would only be lost Time to enter into the Proof of it.

But as you very justly observe that such an Agreement as this for the publick good can never be too plainly & clearly express'd, or Disputes about it too carefully avoided, in order to remove all possible Misapprehensions of either our Expressions or Intentions, we shall here briefly state the Whole of the Negotiation between us.

In our Letter of the 16th of December, we most earnestly press'd you to joyn with this Government in some effectual Measures for giving Peace to His Majesty's Subjects on or near our disputed Borders, & for putting an End to all these unnatural Contentions, declaring our Readiness to come into any reasonable Concessions that could be proposed for obtaining so good an End. To this on the 1st of March we received by Post your Answer of the 24th of December, wherein you desired to know of us what those Concessions were. In return to this, in our Letter of the 5th of March, mentioning the Necessity of some certain known Limits for Civil Jurisdiction, we in the plainest Terms shew'd you what were the Limits we conceived we have an indubitable Right to, & consequently that all those parts over Sasquehannah, the Possession of which you are yourself the first that disputed with us, must certainly belong

to-& be part of this Province; yet notwithstanding this, so ardent was our Desire to procure Peace to His Majesty's Subjects, that in order to obtain It, our sole view in this Treaty, we proceeded to say, that "if on your Part you could propose any rational Measures to render the thing practicable, we should not oppose but all those who first took up their Lands under Maryland should be allowed to acknowledge that Government, and those who took them first under This should so continue; but we added, as it cannot be expected these Points can be settled between Us by the Intercourse of Letters only, and other Particulars necessary to be considered may properly be thought of, we proposed that some Persons should, on each side, be authorized to meet as Commissioners to adjust the whole, and to this we joyned, as a necessary Preliminary, that in the mean time "all Force should be removed, and that no Person whatsoever, in or near those Parts, should on either side be molested on any Cause or Pretence arising from these Disputes or the Proprietary Claims," with a further Proviso, "that nothing then proposed by us should ever be interpreted to give the Proprietaries or Governments on either side any Right, Claim, or advantage one over the other," &c. In Return to this you appeared highly pleased with that Concession, yet tho' we plainly made it the Condition of our entering into it, that you should propose rational Measures to render the Thing practicable, you did not offer the least; you also further declined the appointing Commissioners, as we proposed, for settling the Particulars necessary to be considered in that Concession, but you acceded to our Preliminary, "when you should receive our declared Intention not to screen by any Terms the Disavowers of that Government under which they first seated themselves, from complying with its Dues & Taxes, and that your Settlers on your Borders should not be disturbed or molested by any under our Government." You joyned also with Us in our last Declara-

tion or Proviso, on our Explaining an Expression in it.

Now, tho' by this Answer of yours we were disappointed in what we thought most reasonable to expect from you, yet with the same sincerity that we had ever profess'd for preventing all Loss of Time in treating about a Conference, which we judg'd to be by much the best Method for adjusting the whole, we, in our Letter of the 22d past, renewed the same Concession, with those Particulars that we mentioned in our former, adding, That of a Forbearance of levying Taxes as necessary to be settled & agreed on to render that Concession practicable; for without a full Agreement on such articles as these, it is obvious that such a mutual Concession between us as That First, would be so far from producing Peace that it must only encrease the past Confusions, & prove a perpetual Fund for fresh Disturbances. These Articles are all plain & clear; they directly tend to Peace, & not one of them can give the least Advantage to the one side above the other; for in the Case of those Germans, there is not the least exception made; we propose no Indulgence for them more than the rest; we expect they shall hold their Possessions in Peace, & nothing is desired in Favour of any of them but what will be allowed to such as by their having first entred on their Possessions under this Government will of Course belong to Us. Nor will you, we hope, think it in the least unreasonable, that tho' you may be offended with those People, yet that in this Case as well as in all others where there have been Differences and Resentments, when Peace and an Agreement are proposed there should be an Amnesty and all past Resentments dropt.

Thus to remove all manner of Objections, & to put all that has passed on our part in the clearest Light, we judg'd it necessary to lay the Sum of the whole together, & if you are equally with us resolved on Peace, & have acceded to these Proposals, as you have

made no Objection to them (for on what you seemed to imagine we intended in Relation to the Germans, tho' we had spoke very clearly to that Point before, we have now removed every Ground of Suspicion). Our Preliminary ought immediately to be put in Execution, & litle of Importance we hope will remain, but that Commissioners should meet on the Spot to determine by the justest & strictest Enquiry they can make, who of those Inhabitants entred on their Possessions under the One, & who under the Other Government, & also to adjust such other Matters as may be found further necessary for preventing any Scruples or Doubts that may possibly arise.

As you have been particular in putting a Case for us to consider, we hope you will give us Leave to offer you One also on our Part. Suppose then the Governor of Pennsylvania, from a Desire of extending the Bounds of this Province as far South as you have done Northward, being informed of large Quantities of Land in Baltimore county, but thinly inhabited to the Westward of Chessapeake Bay, should for the Purpose ride about in Pomp amongst the People of that part of the Country, perswade those already settled to take Grants for their Lands under Pennsylvania, & encourage others to come & settle on the vacant Lands, by Assurances that nothing should be demanded of them either by Way of Purchase or Rent, until the Dispute with Maryland be determined, and that those very People afterwards upon Discoverg. the Imposition, & that their Dwellings were really within the Province of Maryland, from a Sense of the Injustice done the Lord Proprietor of that Province, & likewise that in the End they must certainly lose their Lands and Improvements, should agree to renounce their Obedience to the Government of Pennsylvania. Would you in that Case call it Justice or good Neighbourhood in us forthwith to send an armed Force into the Heart of Baltimore County to distress those People, & actually

to imprison their Persons & dispossess their Families? Now we in our turn only desire that what you would think proper to do in that Case, you will please to allow it lawfull for us to do in the Case before us.

But we must not conclude this without observing that tho' in our two former Letters we have taken Notice of the continued Outrages & Violences of Higginbotham & the Gang commanded by him, & how inconsistent such Proceedings, if carried on with your Approbation or Knowledge, were with the Professions made in your Letters to us from December last, of your sincere Inclinations for Peace, yet you have not been pleased to say one Syllabel in Answer to those just Complaints; & we are now astonished to find by the Accounts we have had ever since the Receipt of your last, that such shocking Barbarities are committed upon the poor unhappy People on that western side of Sasquehannah by that Gang, as cannot but fill every Breast that has any Sense of Humanity with Compassion, and raise the highest Indignation against such a wicked sett of Men, who will neither suffer the poor People, their Children, or those whom they can find means to hire, to plow their Ground for raising Corn for the Sustenance of their Families, & to prevent their perishing for want of it the ensuing Year, have threatned to hamstring or take away their Horses, if they attempt to plow or labour, & actually have made Prisoners of some of their Children employed in that necessary Work. If these Cruelties are judged proper Methods for securing to Maryland the Possession of their late unjustifiable Claims, & it should be found they are carried on by your Approbation or with your Knowledge, you must forgive us the Freedom of saying we should be at some Loss to find Terms to express the Nature of such a Conduct in Relation to us as well as to those miserable People. We have on all Occasions shown our Zeal, our hearty Inclinations, & sincere Desires for Peace. We have now offered more than we

conceive could be reasonably expected of us to procure It; and if you in pursuit of those Views which require no great Penetration to see thro', should reject the Terms we have here, and in our former Letters, proposed for that End, & for establishing a mutual good Understanding amongst the Inhabitants, who are all equally His Majesty's Subjects, we shall comfort ourselves with the just Reflexion of having Discharged our Duty towards His Majesty, to our Proprietors, & our own Consciences, & shall leave it to the Wisdom & Justice of Our Gracious Sovereign to determine 'at whose Door those Misunderstandings from the first, & these Distresses & Miseries of His People must lie; But in Regard to your repeated Professions, we shall be willing to hope you will condemn these Violences equally with us, & that if you have not already you will immediately put a Stop to them, without which, & carrying our Preliminary into Execution, no Proposals whatever can be supposed to have been made in earnest or with any real view to Peace; Upon which, with the other Parts of this, we shall expect your plain & determinate Answer by the Return of this, our third Express, & we hope it will prove such as will give a more encouraging Prospect of the much desired Period to these unhappy Contentions, which we are perswaded will be no less to the Honour of Maryland than agreeable to the hearty Wishes as well as Endeavours of,

Sir,

Your Friends & humble servants,

In behalf of the Council,

JAMES LOGAN, Presidt.

Philadelphia, April 8th, 1737.

For His Majesty's service.

To the Honble Samuel Ogle, Esqr.,
Governor of Maryland.

Additional Correspondence with the Lieutenant Governor of Maryland Concerning the Border Difficulties.

Philadia., April 30th, 1737.

SIR—

We received yours of the 15th instant, and have waited thus long for the Post to carry our answer to it, which is, that we are truly concerned to find that when the Negotiation between us for re-establishing Peace appeared so far advanced as to be ripe for a Conclusion, you should think fitt to term our summary of the whole a prolix & artfull Misrepresentation of Facts, without assigning one Instance to show wherein that Misrepresentation consists, or specifying what those Proposals are which you are pleased to say can only serve to perplex affairs & give Occasion of renewing violences; had you done either, it would have been incumbent on us to have cleared up the Matter, but as you content yourself with making the charge in general, we shall here briefly point out the Necessity of bringing those Proposals of ours into practice, to render what we both profess to aim at in any measure effectual.

You insist solely upon the general proposition first offered by us on the Inducements and Terms we fully mentioned, "That those who took up their Lands under Pennsylvania should be allowed to acknowledge this Government, & those who took them first under Maryland should continue under that Government," and to this, in the fair sense of the Words, as we have repeatedly expressed it, both Parties are agreed; but as this cannot be so reduced to practice as to answer the end proposed, without some further particular Provisions, must be obvious to every Man who considers it. We have been truly candid & sincere in every thing we have offered, and as a certain proof of it, laid down those other provisional Proposals, without which we

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conceived the first would become wholly ineffectual, & instead of producing Peace, would only introduce further Confusion. For,

First.—Can anything be more plain, if Peace is to be established amongst His Majesty's Subjects engaged in these Contentions, than that all those who had been in Possession of their Settlements in the parts you have thought fitt to dispute with us, should quietly continue to hold them, and to this we conceive you have fully agreed by acceeding to our Preliminary on the Condition you mentioned, which we clearly speak to below; Nor can there be any Room left after our last Letter to say any thing further of the Dutch, save that we may observe that considering their Petition to the King on this Occasion, it may not probably be amiss to have some regard to that application.

Again.—If on each side the People are to acknowledge that Government under which they first seated, can it be imagined that it is not absolutely necessary some Persons should be mutually appointed by a due Enquiry, to settle & distinguish who of them first entered on their Possessions under the One Government, & who under the Other, for without this it is plain that no End can be answered consistent with the Terms of the first Proposition, and this, therefore, you must also have undoubtedly acceded to.

Again.—Unless all further Settlements be prevented till such time as our Limits are adjusted, since by your late Conduct you would lay some Claim there, and you will not doubt but that as we have ever been & are fully assured the Right is truly ours, tho' for Peace sake and for the present we make this temporary Concession, can it be conceived it would be possible to prevent the highest Disorders & Contentions, should the People under both Governments be left to scuffle who shall take possession of Tracts that please them under the one or the other, while there is no Authority agreed

on to determine who shall have the Priority? Here would be as it were a Studied Foundation laid for unavoidable Quarrels, without any possible means left for composing them.

We added that tho' Taxes might be assessed, the levying of them should be deferred till the Limits were adjusted, as the best means of preventing Misunderstanding; but since you make the complying with the Dues and Taxes of your Government the Condition of your acceding to our Preliminary, "that all those who have been employed on your part to seize our people, & all who appear in arms for any such Purpose, shall immediately retire as all ours also, whom our Sherif of Lancaster has been obliged to call & keep together to oppose the other's illegal Attempts, shall on the first effectual Orders you give therein be likewise dismissed, & that no Person whatever in or near those parts shall on either side be molested on any Cause or Pretence arising from these Disputes or the Proprietary Claims." We do not think that Point of Taxes of so much Importance as to be insisted on, but the rest we have mentioned are of such absolute Necessity that we cannot question our receiving your Declaration of their being perfectly agreeable with your own sentiments.

Consistently with our sincere Intentions to preserve Peace, we gave Orders to our Sherif of Lancaster, with those People he had assembled on Higginbotham's appearing with a Force in those parts, to molest no Person whatever who was in the Peace of the King, and offered no violence to His peaceable Subjects, which has been carefully observed; and further, agreeable to that Preliminary, the Sherif is obliged to dismiss all such as he may have kept together for the same end, as soon as he receives Notice of your Orders to the same Effect on your part, which we have now Reason to expect will be no longer delayed. We shall likewise

forthwith name a person on the part of this Government our Commissioner to repair within such time as you shall appoint, to Sasquehannah, to be joined by such as shall be named on the part of your province, in order to proceed on distinguishing & ascertaining who of the Settlers in those Parts which have been the scene of these late Contentions, first entered on their Lands under the One, & who under the other Government, before August last, when these Commotions began, & to concert such other Measures as may be most effectual for preserving Peace & preventing all further settlements there till the Dispute between our respective Proprietaries shall be ended, or Directions shall be given by Our Superiors therein.

Thus we have in the clearest & most candid manner discharged ourselves in every Point that can with any Colour of Reason be desired of us, for obtaining the proposed End of giving Peace to His Majesty's distressed Subjects in those parts for the Interim, till either our Boundaries are effectually settled, or till we know His Majesty's Pleasure touching the same; and if we should yet unhappily fail of It, we must leave it, as we formerly said, to His Wisdom & Goodness to determine at whose Door the Oppression of his Subjects is to be laid. We are,

Sir,

Your Friends, & humble Servants,

In behalf of the Council,

JAMES LOGAN, Presidt.

For His Majesty's Service.

To the Honble Samuel Ogle, Esqr.,
Governor of Maryland.

To the Assembly Concerning the Maryland Border
Difficulties.

FROM THE PRESIDENT & COUNCIL TO THE
House of Representatives.

Gentlemen:

The last time you mett was upon the Subject of the Abuses numbers of the Inhabitants of this Province had received from our unkind Neighbours, in the Administration of the Government of Maryland, on which you judged it proper to joyn with this board in an Address or humble Petition to His Majesty; of the Success whereof, or further than that the Ship it went in, after a long passage, got safely to London, we have not yet heard anything, there being no Vessell arrived here, as might have been expected, this Spring from Britain. We can, therefore, only observe to you that notwithstanding all the legal means in our Power, and these at a very considerable Expence, have been used to put a stop to the Violences of the Persons acting under that Government, on the west side of Sasquehannah, yet a great many of our Inhabitants have, by a continued Series of those Abuses been treated with the same Inhumanity & Cruelty as heretofore; and as these Affairs may deserve your Consideration, If you desire to be acquainted with any of the Particulars, you shall receive all the Satisfaction therein that this Board can give you.

JAMES LOGAN, Presidt.

May 3, 1737.

To the Council Concerning the Negotiations for a Peace with Sundry Indians and the Appointment of Commissioners to Maryland in Connection with the Border Difficulties.

THE PRESIDENT ACQUAINTED THE BOARD that not long after receiving, on the 20th of December last, the Letter from the Governor of Virginia, then communicated to several Members of this Board, on the Subject of negotiating a Peace between the Indians of the Six Nations & the Southern Indians, the Cherikees & Catawbias, & desiring for that End a Message might be sent from hence to invite some of the Chiefs of the Six Nations to Williamsburgh, where the Deputies of those Southern Indians would attend, he, the President, had an Opportunity of seeing Conrad Weyser in this place, & judging him, from the Experience this Government has had of his Honesty & Fidelity, to be the most proper Person to carry to the Six Nations the Message proposed in that Letter, he, the President, engaged Weyser to undertake the Business, & gave him proper Instructions to that End; that being returned, he, in his own Words & Hand writing, had given a very distinct & Satisfactory Account of the Errand he was sent on, in a Paper, which being laid before the Board and read, The Answer of the Six Nations is in Substance, that they were ready & willing to treat of & conclude a Peace with their Enemies the Southern Indians, but declining going to Williamsburgh, they, the Six Nations, proposed Albany for the place of meeting, where they desired their Brother Onas or (Penn) might be present, and that they had agreed to a Cessation of Arms for one year. The President proceeded to acquaint the Board that the same day he received Governor's Gooch's Letter he had answered it, & likewise wrote on the Subject to the Lieutenant Governor of New York, a Copy of whose Answer he had sent in a

second Letter to Mr. Gooch, but having since heard nothing from him, it was to be suspected the Letter had miscarried; that upon this Occasion of transmitting to him Weyser's Paper he had wrote another Letter, & would be glad to have the Sentiments of the Board on it; and the same being read, the Board declaring their Approbation of the several Steps taken by the President in this matter, are unanimously of Opinion that the Establishment of a Peace between the Six Nations & Southern Indians, both of whom are in Alliance & Friendship with His Majesty's Colonies on this Continent, would not only be an effectual Means to strengthen these People against a common Enemy, but likewise might in many Respects prove highly serviceable to the British Interest, and that therefore a Design of this Nature ought to receive from the Government all possible Encouragement & Furthance.

The President then representing to the Board that it haveing been lately under their Consideration to send from hence two Gentlemen duly authorisd by this Government, to Annapolis, to press Governor Ogle to an explicite & positive Declaration on the several Proposals made by this Board for restoring Peace on the western side of Sasquehannah, that Mr. Preston having been prevailed on to undertake the Journing, and Mr. Kinsey, who had been thought of as a proper Companion for him, being now at Liberty to attend the Business, the President moved that the Board would consider of proper Instructions to be given these Gentleman, with a Letter of Credence, for that their setting out ought not longer to be delayed, no answer being received by the Return of the Maryland Post to the last Letter from hence, & Governor Ogle's whole Conduct in this Negotiation furnishing but too good Reasons to suspect that, notwithstanding his high Professions, he intends little else than delay & Amusement.

May 12, 1737.

Further Letter to the Lieutenant Governor of Maryland Concerning the Border Difficulties.

Philadelphia, May 14th, 1737.

S^R:

Having in our late Letters given you ample Proof of our sincere Inclinations to bring the Treaty that has for some time past been on Foot between us to a Conclusion, in departing for the present from our undoubted Right, and condescending further than with Reason & Justice could be expected of us, & being fully determined to persevere in the same Zeal for putting a Stop to those Disorders on the western side of Sasquehannah that, to the great Reproach of Government, have been carried on amongst His Majesty's Subjects, whose Peace & Security we are equally on both sides obliged to study & maintain, We have now thought fitt to appoint two Gentlemen of Character & Worth, Samuel Preston and John Kinsey, Esquires, to repair to Annapolis, with full Authority to treat with you & to putt a finishing Hand to our mutual Agreement, until His Majesty's Pleasure, to whose Royal Determination the Matter is now submitted, shall be signified to us for our future Direction; You will be pleased therefore to receive them as invested with plenary Powers on the part of this Government to proceed herein, whose Acts shall be confirmed by us, if necessary, in any Form that may be judged proper for their further Ratification. We are,

Sir,

Your Friends and humble Servants,

In behalf of the Council,

JAMES LOGAN, Presidt.

To the Honble Samuel Ogle, Esqr., Lieut. Governor of Maryland.

Credentials of Commissioners to Maryland to Settle
the Border Difficulties.

TO SAMUEL PRESTON AND JOHN KINSEY,
Esquires:
Gentlemen:

Seeing at the earnest Request of this Government you have submitted to take upon you the trouble of a Journey to Annapolis, in order to treat with the Governor of Maryland on the Differences subsisting between us occasioned by his Inroachments on this Province since the time of the last agreement between the Proprietors, and to endeavour to put a Stop to the Disorders committed by his Authority, It may be requisite we should give our Sentiments of the measures proper to be taken in this Negotiation.

You are sensible this Government has at all times most earnestly laboured to preserve Peace and a good understanding with Maryland, and it was hoped the solemn Agreement between the respective Proprietaries, concluded the 10th of May, 1732, would have effectually adjusted all Differences, and have rendered it almost impossible for any further to arise between the two Governments; You are sensible, also, of the Means applied to elude that Agreement, and the Endeavours used by the present Governor of Maryland to make it void, As also of the foundations laid by him from time to time to create Differences by his new Invasions on this Province, in parts where Maryland had never made any attempt of the kind before; Many Letters passed on these heads between our late Governor Gordon and Governor Ogle without effect; at length, on the Return of his two Commissioners, Jennings & Dulany, from Philadelphia, in our Letter of the 16th of December, we prest him most earnestly to enter into some pacifick measures with us to put a Stop to these unhappy Contentions, assuring him we would for that

End make any reasonable Concessions that should be proposed; from this time he carried on his Hostilities against us without taking any Notice of that Letter for many Weeks, till on the first of March we received by Post his answer, which he had thought fitt to date the 24th of December, desiring to know of us what those Concessions were, and at the same time making high Professions of his Inclination to Peace of those Letters & all the Subsequent that passed between us, you have now Copies delivered to you, which will so fully instruct you that it is needless to repeat any part of them here.

In our last to him of 30th of April by the Post (our three former having been sent by Expresses) You will see our Treaty is narrowed to a Point, and on considering the whole, One might rationally suppose there remains nothing but an open Declaration to close it. This you are desired to Labour, and from the Success of your Endeavours You will be able clearly to distinguish whether Governor Ogle ever intended more by his Letters and Proposals than meer amusement, & to gain from us some Concessions to their Advantage, without doing anything on his part. But in our first Answer to him of the 5th of March, you will observe that before we would enter into any further particular, or make any Concession, we asserted our Boundary for the present as far to the Southward as the Mouth of Octararoe Creek or thereabouts; that when we made the Concession "that those who had first settled under that Government should continues to acknowledge it," We took care, at the same time, expressly to limit this to such time only as that our Boundaries should be fixed, or till these matters should be settled by a Superior Authority. We made it a Preliminary, also, that all force should be removed, and no person be molested on any Account whatsoever arising from the Proprietary Claims, on the punctual Observation and Execu-

tion of which you are strictly to insist; We added, also, another Proviso that nothing conceded to in the Treaty should by any Construction, Inference, &ca., whatsoever, be interpreted in any measure to affect the Proprietor's Claims; and these Articles & Provisoes you will find we have carefully carried through all our other Letters. It is proper, also, we should add, that this Concession was made wholly on the foot of the Agreement with the Lord Baltimore in London, in 1724, tho' those new Ineroachments were far from being within the Intention of that Agreement, or of the Lord Baltimore himself, who was never for extending his Claims in any manner inconsistent with the Publick Peace, as you will see by his Declaration mentioned in the same Letter, viz., that of the 5th of March last.

As the Concessions we have already made are beyond what could with Reason or in Justice be desired of us, and were entred into solely from the earnestness of our Desire to obtain Peace for His Majesty's distressed Subjects, which, as we have always done, you will likewise constantly declare to have been our Sole Inducement, there cannot, we conceive, be Room to add any thing further in that way, or to enlarge them, at least not in any point of Importance.

If Governor Ogle, according to the Practice he has too often made us sensible of, should in his usual strain of Declaring his own Candour, the Sincerity of his Intentions, the Plainness & Expediency of all his Proposals, refuse or decline to treat any further, you will in that Case draw up a proper Remonstrance, setting forth the first Spring and Cause of these Disturbances, how unjustly & inconsistently with the Lord Baltimore's Honour His Lieutenant has carried them on, & still continues them; That on our part we have not made one Step, but what the Insults & Violences of those who acted under his Influence & by his authority had rendred Necessary, & therefore for whatever has

happened of a harsher Nature in these Proceedings that Government alone is Accountable; that we have on our part from time to time used all the rational means in our power to induce him to more amicable measures, & for obtaining Peace to His Majesty's distressed Subjects; we have even, contrary to all Reason, submitted to the very terms that he himself had proposed, adding what Observations will naturally arise from his Conduct towards you in this Affair.

If he should come to closer terms, and, mentioning Cressap's affair, require Reparation for his pretended Losses, you will say what is proper on that Occasion; that his unsufferable Insults & Abuses rendred it absolutely necessary that a Stop should be put to them; that he had been guilty of Murthering one Man & threatened the Lives of others; that what was done was in execution of a legal Warrant against him, and that what ensued was occasioned Solely by his obstinate and unjustifiable Resistance, but that the whole of this Affair being laid before His Majesty, to whose great Wisdom and Justice it is entirely Submitted, it will best become both Governments to wait the Issue of the Royal Determination herein.

In behalf of the Council,

JAMES LOGAN, Presidt.

Letter to the Lieutenant Governor of Maryland Concerning the Border Difficulties.

SIR,—

We were in hopes that after your repeated Declarations of a sincere Desire, on your part, to establish Peace between the Inhabitants of these two

Provinces, such effectual Measures would be taken as should prevent the Necessity of any further Applications from us to you, for Refress of Abusès committed by persons acting under your Authority against our People.

But we have now unhappily an Instance of so unparalleled an Outrage committed by Charlton, the Captain of your Garrison, and four others of his Men, on the person of Elisha Gatchel, Esqr., who for many years past has bore His Majesty's Commission of the Peace for the County of Chester, in this Province, that as we cannot doubt but it must have reached you from the Information of your own Magistrates, who had Cognizance of it, so we would perswade ourselves you could not hear it without the utmost Abhorrence & Detestation; And tho' so violent an Action could not fail of being soon noised throughout the Country, yet we were not willing to move in it till we could have a more full & circumstantial Account of the whole from the Sufferer himself; but we find he was so bruised by the cruel Usage he received that his Inability from thence, together with the situation of his family Affairs, would not for sometime allow him to undertake the Journey, & therefore we saw him not till yesterday, and now his Deposition, taken before one of our Provincial Judges, which is corroborated to us by the further Evidence of others, who were Eye Witnesses of the Action, will, by the inclosed Copy of it, give you so full a Narrative of the whole, that there remains nothing further for us to say than that as you are sensible common Right requires these men to be delivered up, to be prosecuted according to Law in the County where the Fact was committed, we expect you will accordingly give your immediate Orders for apprehending the said five Persons, to witt, John Charlton, Joseph Parry, James Barrysford, James Dickson, & Hans Hamilton, if within

your Command or claiming your protection, and to cause them to be delivered to the Sherif of either Chester or Lancaster County, who have Authority to receive & take them into Custody; as, also, that you will cause the Security, which Mr. Gatchel was compelled to give for the Recovery of his Freedom, to be vacated, since if what was alledged against him were even true, yet the Law would not justify your Commitment of him; and upon your Compliance herewith we have the more firm Dependence from your Letter to us of the 15th of April last, in which you are pleased to express yourself in these Words, "I shall leave wholly to yourselves such as first settled under your Government, over whom you may exercise your Jurisdiction according to the Laws of Pennsylvania, & shall only look upon such to be Marylanders at present, as settled & held under this Government; and if any thing contrary to this shall be done by any of our People, you may depend upon my redressing all Injuries upon the least Application."

We have further to observe here, that your having declined to return us any Answer to either of our last two Letters, & your leaving on so unreasonable and impracticable a foot the Treaty of Pacification, for concluding which Messrs. Preston & Kinsey attended you, allow us no Room to say any thing further on that Subject; but as we have good Reason daily to expect His Majesty's Directions in the Affair, which has for some time past been before him, it must certainly be most prudent in us, while we leave the whole of these Contentions to that Issue, to be strictly carefull, in the mean time, to preserve Peace & good Order amongst his Subjects respectively under our Care, nor can a Neglect of this Duty which we so indispensably owe to our Sovereign, be justified or excused from any other Views or Pretences whatsoever.

We send this by Express, whom you'l please dispatch

as soon as you conveniently can with the necessary orders, and are, .

Sir,

Your Friends and humble Servants,

In behalf of the Council of Pennsylvania,

JAMES LOGAN, Presidt.

Philadelphia, July 22, 1737.

For His Majesty's Service,

To the Honble Samuel Ogle, Esqr.,

Lieut. Governor of Maryland.

To the Assembly Concerning the Delay in the Arrival
of a Lieutenant Governor and Sundry Other Mat-
ters.

GENTLEMEN:

'Tis now a full year since, by our late Govern-
or's Decease, the Powers of Legislation in this
Province became suspended. That these might be
fully restored to us our Proprietaries in England with-
out Loss of time proceeded to another Appointment,
and chose a worthy Gentleman of an advantageous
Character to succeed as their Deputy; yet no sooner
was His Majesty applied to, as the Law directs, for
His Royal approbation, than that unkind Disposition
of a neighboring Government of which we have for
some years, and this last more than ever, felt the bar-
barous Effects, was so far exerted in England also, that
a Petition from that Quarter was preferred to the King
in Opposition to that Approbation, but with so little
Success that upon a Hearing before the Board to whom
it was of Course referred, their Determination, as we
have been assured, was wholly in our Proprietaries
Favour. These Transactions, therefore, having passed

in May last, we have Reason to hope for that Gentleman's happy Arrival in some few Weeks amongst us.

We are likewise to acquaint you that about the same time this application was made to His Majesty, our petition sent over in December last was also presented and referred; and tho' we are not as yet informed of the Issue, yet we cannot reasonably doubt but the Governor may bring with him such Instructions as may restore to His Majesty's Subjects on our Borders the Enjoyment of that Peace to which they have a native right, but have of late been most injuriously deprived of.

Of the further Steps that have since your last Meeting been made on our part to secure this Peace by sending one Member of our Board and another of your House to the Governor of Maryland, in order to bring our Treaty with him on that important Subject to a period, and of the Pains that have been taken therein, you may be fully apprized by the several Papers that then passed which the Secretary will lay before you. He will also communicate to you our last Treaty with the Six Nations in this City, with which we think 'tis necessary you should be acquainted.

August 9th, 1737.

To the Assembly with Regard to Payment of the Expences of Indian Treaties.

GENTLEMEN:

No Language in the last Indian Treaty laid before your House could give you so great a Concern as your Misunderstanding of our Intentions proves to us, which we conceive might have easily been prevented if you had sufficiently observed that the Expression in the Recommendation of the Treasurer's Ac-

counts fully submits the whole, as the Law directs, to your House, and as we cannot be supposed insensible of this Direction of the Law in the Disposal of the Publick Money, we assure you it was never in our Thoughts to assume or claim any Power inconsistent with the same; But when Money is to be immediately advanced, since this must be done by somebody, and these Charges being expended solely for the Publick Good, have in that Light been always allowed by the Assemblies out of the Publick money, therefore a Call on the Treasurer to advance it was so natural that to express this was unavoidable; For it cannot be expected the Treasurer should part with any of the Money in his Hands without having something to show for it. Upon the whole we cannot forbear observing to your House that as both you and we can, by our several Engagements, have nothing but the common Interest & the Good of the Public in View, & it has ever been found by Experience that nothing more effectually contributes to this in Government than a due Harmony between all the Parts of it, it is our earnest Desire that everything interfering with this may be most carefully avoided; And tho' we cannot see any Inconveniency in an Expression directing the Treasurer, in whose Hands the Money lay, to make the Payments that the Exigency of the Affair at that time required, yet as you desire that in the last Treaty with the Indians laid before you, all those Directions may be left out, for your Satisfaction we have ordered it so accordingly; But request that your House would so far consider the Nature of such Transactions that those who can have no Interest of their own to pursue, but freely give their Attendance for the Benefit of the Publick, may not be laid under such Difficulties as may render the carrying on those Affairs, intended solely for the common Utility, wholly impracticable.

Aug. 13, 1737.

Letter to the Six Nations Indians.

THE PROPRIETOR, THOMAS PENN, AND THE Council of Pennsylvania send their Salutations to their Brethren of the Six Nations, and say thus:

As soon as our trusy Friend and Interpreter, Conrad Weyser, returned last Spring to Philadelphia, and brought us an Answer from our Brethren to the Message he carried to them, with a Belt, in Confirmation of their agreeing to a Cessation of Arms with their Enemies to the Southward, the Cherikees and Catawbass, for one year, We immediately sent a Letter to the Governor of Virginia to acquaint him with it, and to desire him forthwith to send a Message to those Southern Indians, to require of them that they should for the same time forbear all Hostilities against the Six Nations and all their People, until they should mutually treat with each other in order to settle a Peace between all these Nations; accordingly the Governor of Virginia sent his Messenger to the Cherikees and Catawbass, & many days after received an Answer from them, which Answer he has sent to us, and it is this:

That while his Messenger was treating with the Catawbass some of the Six Nations killed three of their Nation, the Catawbass, and five of their Horses, as they were returning from Hunting, and had, also, before killed eight of their Men since April last (that is since their Corn was planted), and therefore they could not hearken to any treaty of Peace at least till they were revenged for this Action. But the Governor of Virginia further said in his Letter that the Cherikees, having fallen into a friendly Conversation with a Party of the Six Nations, had sent with them Deputies to conclude a Peace for themselves.

This is the Answer we received a few days since, and we thought it proper immediately to send Notice of it, by Messenger on purpose, to our Brethren of the Six

Nations, that they may know of this Refusal and the Catawba's intention to seek Revenge, that they may not be surprized, for we think ourselves concerned to acquaint our Brethren of every thing that may relate to their Safety, or expose them to any Hazard or Danger, for so it becomes friends to act by each other.

But we further most earnestly desire our Brethren the Six Nations to use their utmost Endeavours to settle a Peace with those Southern Indians, for they may clearly see that by their Wars they only lessen their Numbers and weaken themselves, and render themselves less able to defend their Country, their Women and Children, against Enemies who may hereafter attack them; They know, and we grieve to see that their Numbers are much lessened within these twenty years, and if they proceed to send out their young Men against People that live at so great a Distance from them, they will still continue to lose more and more, for the hazards they run are great, and yet the destruction of a hundred Enemies at a distance adds not one Man to themselves; this we earnestly desire our Brethren to consider. We advise them as their true friends, and if they take our Advice they will themselves find the advantage of it.

Signed in behalf of the Proprs. & Council,

JAMES LOGAN.

Letter to the Lieutenant Governor of Maryland Concerning Additional Border Outrages.

Philadelphia, November 12th, 1737.

SIR—

Since the Receipt of your last of the 16th of August, wherein you wave giving any direct Answer to the Complaint we made of the Outrage com-

mitted on Mr. Gatchell, and to our Demand of delivering up to Justice the Persons concerned therein, till you could make yourself thoroughly apprized of the Fact and all its Circumstances, We have been in Expectation of receiving your further Sentiments on that Affair, and of knowing whether we are to consider the Fact as approved of & countenanced by your Government. We were in hopes, indeed, that even from your own former Engagements, quoted to you in our Letter of the 22d of July on that subject, you would have found yourself in Honor indispensably obliged long before this time to have given us a more proper Satisfaction; but instead of it, to our astonishment, we find the same lawless Person, your Captain Charlton, as it appears, depends so far on your supporting him that there is nothing can be too heinous for him to undertake. Of which another flagrant Instance is His and his Company's late Action in Marching in the Night into the middle of Lancaster County, breaking into the Goaler's House, assaulting him in his Bed, beating & abusing not only the Man but his Wife and Maid, seizing the Keys of the Prison Doors & setting at Liberty four Persons, to witt: Daniel Lowe, George Bare, Philip Yeager, and Barnard Waymer, standing committed for Riots & Breaches of His Majesty's Peace. These facts, the Heinousness of which it is unnecessary for us by any words to aggravate, having been perpetrated on Wednesday night, the 26th of last month, must have long since with their Circumstances been known to you, for we are informed several of those concerned in them set out soon after for Annapolis to carry the news of their Exploits. But as these Violences are of such a Nature as suit nothing less than an open declared State of War, and are never to be justified between Subjects of the same Crown, we demand, as we have an undoubted Right, that the said Charleton and his Accomplices, now within your Jurisdiction or Command, be forthwith delivered up to the Justice of this Pro-

vince, and that the Prisoners be returned; Or if we are in this also to be disappointed, we must again become humble Suitors to Our Gracious Sovereign, the only Recourse we have to be defended from the unexempl'd Outrageousness of such Measures, to implore His Royal Protection, & a suitable Redress for so daring an Insult on the British Laws and Constitution. We are,

Sir,

Your Friends and humble Servants,

In behalf of the Council,

JAMES LOGAN, Presidt.

For His Majesty's Service.

To the Honble. Samuel Ogle, Esqr,

Lieut. Governor of Maryland.

Further Correspondence with the Lieutenant Governor of Maryland Concerning the Border Difficulties.

SIR—

Our President hath laid before us your Letter of the 22d of November, addressed to himself only, tho' you cannot be unsensible the Administration is not in his hands singly but jointly with this Board, together with a Copy of his Majesty's Order in Council of the 18th of August, to which, not doubting its being genuine, tho' we have not yet received the same on our part from England, we give due Credit, & notwithstanding it appears to have been obtained Ex parte, yet as it contains a full Declaration of His Majesty's Pleasure, that an effectual Stop be putt to those Disorders that have furnished out the chief matter for our Complaints in our Correspondence with you, and that Tranquility may be restored to his Subjects in both Governments, we receive with a very sensible Satisfaction His Royal Commands herein, of which our

Letters & Messages to you have always expressed the strongest Desires on our part. We have therefore not only made no objection to the printing of your Proclamation, which you chose to have done in this City, but in Return to your Assurances most readily give you ours, that we shall chearfully pay all due Obedience to his Majesty's Will, & shall not be wanting in our best Endeavours to answer the Royal Intention of giving Peace to both Provinces. But as His Majesty's Order has not given any Directions touching those whose Prosecutions in both Governments will most probably be considered by our Superiors as taking their Rise from the Contraversy which the disputed Claims may have occasioned, & this being a Point so necessary for the full Re-Establishment of a good Understanding & Harmony between the two Provinces, we cannot be perswade ourselves that it must have employed your Thoughts, and since a Step of this Nature appears to be agreeable to the Intention of the Royal Order, we must desire your Sentiments herein.

On the Notice you have taken in your Letter now before us "of Lowe & his fellow Prisoners being brought out of Lancaster Goal by your People, without your having given Encouragement to any thing of the Nature," we cannot but observe that you must be mistaken in supposing any of ours were concerned in it; but as we have wrote fully on the Subject in our Letters to you of the 12th ulto., we may expect in your next to hear further of that Affair, and are,

Sir,

Your Friends, & humble Servants,

Signed by Order and in behalf of the Council,

JAMES LOGAN, President.

Philadelphia, December 2d, 1737.

Addressed,

For His Majesty's Service.

To the Honble Samuel Ogle, Esqr.,

Lieut. Governor of Maryland.

Proclamation for the Suppression of Tumults, Riots
and Disorders on the Maryland Border.

BY THE HONOURABLE THE PRESIDENT AND
Council of the Province of Pennsylvania.

"A PROCLAMATION.



Whereas, We have this Day received an Order of His Majesty in Council, bearing date the eighteenth Day of August last, in these Words: "Whereas two Petitions, &ca., (here the Order was completely recited). We have therefore thought fitt to publish the said Royal Order to the End that all His Majesty's Subjects within this Government may have Notice thereof, and Pay all due Obedience to His Majesty's Royal Will and Pleasure signified therein, Hereby strictly enjoyning and requiring all and every the Magistrates, Sherifs, and other Officers, and all other Persons whatsoever in the said Government, not only to use their utmost Endeavours for preventing and suppressing all Tumults, Riots, or other outrageous Disorders on the Borders aforesaid, but to be vigilant & carefull in causing all the other Commands and Directions of the said Royal Order to be punctually observed and complied with, as far as in them lies; And all and every the Sherifs of this Government are hereby required and commanded to publish this Proclamation at the Court House of their respective Counties, and to Cause Copies thereof to be affixed at the most Publick Places of the said counties, that none may pretend Ignorance of the same.

Given in Council at Philadelphia, under the Great Seal of the said Province of Pennsylvania, the second day of January, 1737, in the eleventh year of the Reign of Our Sovereign, Lord George the Second,

by the Grace of God of Great Britain, France, & Ireland, King, Defender of the Faith, and so forth.

By Order of the President & Council,

JAMES LOGAN.

R. Charles, Secry.

GOD SAVE THE KING.

Final Letter to the Lieutenant Governor of Maryland
Concerning the Border Difficulties.

Philadia., Janry. 4th, 1737-8.

SIR—

Having had under our Consideration your Letter of the 19th of last month, we cannot but with Concern observe how greatly you have laboured to represent our former to you as falling short of that humble Submission & dutiful Regard wherewith all Declarations of the Royal Will & Pleasure ought to be received. Upon a carefull review of what we then write, we are at a Loss to conceive what Foundation it could have given you for the Sorrow & Surprise you express on our manner of speaking of His Majesty's Order; Can any just Cause of Offence arise from our having said that It was obtained Ex parte, when it evidently appears that the said Order begins with reciting the Petitions from your Government, and mentions those only? Or how, in common Candor, can our proposing to you to consider the Case of those Prosecutions in both Governments, be termed a critical Scanning of His Majesty's Order? Nor is our awfull Obedience less than yours to whatever appears to be his Royal Pleasure, tho' we could not think ourselves sufficiently warranted from the Copy you sent us of that Order, to proceed to the like publick Acts of Government as were proper for you to enter into, till we

were furnished with it, as you were, in the usual authentick manner in which such Commands are always transmitted; we were not, however, wanting to give proper Notice of it in those parts where the late Disturbances have chiefly arisen, and now having this Week, by way of Boston, received the authentick Copy intended for this Government, we have shown ourselves equally with yourself dutifully forward in publishing the same, & enforcing all due Obedience thereto by our Proclamation for that Purpose issued, and now in the Press; which Step being thus intimated to you, will serve, we hope, to remove that groundless Jealousy you seen to entertain of our wanting Preliminaries to be known & settled before we make any Advance of re-establishing Peace, pursuant to His Majesty's Directions.

It was no less with a view to Peace than for the effectual Prevention of all future Misunderstandings between the two Governments, that we moved you to consider the Case of those under Prosecutions in both, a Relief to whom we conceived might be very agreeable to the Royal Intention; and you must be sensible that in this Point His Majesty's Order had given no positive Direction. As you have now been pleased not only herein to give us your Sentiments, but likewise your Sense of what is implied by that part of the Order which forbids making any new Grants of any part of the Lands in Contest, or Settlements thereon, As that "neither Government is left at Liberty to judge for themselves in relation to the Propriety of Lands on which such settlements are already made, which will, as you say, of Course be left subject to the respective Governments under which the present or late Possessors who have been disturbed, seated & settled themselves, & consequently all Disputes about the Extension of our Jurisdiction over those Settlements will cease, & the Possessors of them be freed from all vexa-

tion on that account;" And further, "as there are others who have not been disturbed on account of the Propriety of the Lands on which their Habitations are seated, but who have been guilty of Riots & Disturbances within the known Settlements of our respective Governments, that no more Persons be taken up on Account of these past Riots, that the Prosecutions already begun be left in Statu quo, and all Prisoners lett out on Bail till His Majesty's Pleasure be further known;" All which Sentiments on your Part, we do assure you are agreeable to ours, on the footing our Affairs mutually at present stand; and accordingly you may depend upon a punctual & exact Observance of the same on our part, till further Directions shall be given herein. We must also add, that as from the promiscuous Settlement & Situation of some of the Inhabitants, it is not improbable but that at one time or other Differences amongst themselves may arise, & some there may be who, either ignorantly or with a view to Mischief, may promote them in such Cases, should any unfortunately happen, we may hope & expect that you will believe it, as we do, to be our indispensable Duty on all such Occasions, to apply the most effectual Measures for preventing & healing of Breaches; And that to the End we may truly answer His Majesty's Gracious Intentions, we may make it the sole Aim of our mutual & joint Endeavours in perfect good Neighbourhood, by all the means in our Power, to preserve & secure the Peace & Tranquility of all His Subjects under our Care, than which nothing can be more sincerely desired by,

Sir,

Your Friends & humble servants,

Signed in behalf and by Order of the Council,

JAMES LOGAN, Presidt.

For His Majesty's Service,

To the Honble Samuel Ogle, Esqr.,

Lieut. Governor of Maryland.

Letter to the Indian Chiefs in and About Conestogoe.

Philadia., March 14th, 1737-8.

OUR FRIENDS AND BRETHREN:

On receiving an Account of the late barbarous action committed by two of your young Men in Lancaster town, upon the Persons of two of our People, we were wery much concerned for the folly and wickedness of it, and say thus to you upon that Subject:

You are fully sensible that by the many past Treaties between you and us, it is in the firmest manner established & agreed that we should be all as one People; that Wrongs done by any of either side should be redressed & the Offenders punished without any Distinction, and you well know that when any of our People have taken the Life of an Indian, the guilty Persons have been putt to death for it as if the Injury had been done to one of ourselves without any Difference; therefore, when any of yours are guilty of any such Crime, we do expect they shall in like manner be punished for it; and in all Cases of this Nature we consider the guilty Person only, if he be a Christian; no other Christian or white Man is putt to any trouble; & in the same manner if he be an Indian, we do not account any other Indian answerable for it but the guilty only, and he alone is to be published; Only this is to be remembred, that if any of our People committ a Crime and fly for it, our Officers and People search after them and must find them, and so we expect that when any of yours committ a Crime, your People shall undertake to find them, and cause them to be kept in Prison till they can be prosecuted & punished; but if the Offence is not Murther or some such grievous Crime, we sometimes let them have their Liberty out of Prison, when one or more good Men will become bound for their Appearance, and will produce or bring them forth when called on by the Government, to be punished either in their

Bodies or to be fined in a Sum of money to make Satisfaction for their offence; And this Method we perceive our Officers & good friends, Samuel Blunston and the other Magistrates, have taken with the young Man whom they seized for committing that cruel Act on Persons who had done him & his Companion, who has fled, no manner of Harm, but were endeavoring only to restrain their Violence and make them quiet after they had broke the Window of a House to pieces, without any Provocation.

This Proceeding of Samuel Blunston and the other Magistrates you must, without doubt believe, was an Act of great Mildness towards you, and such as would scarce have been Shewn to any white Men in the like Case. You cannot, however, but well know in yourselves, that if either of the wounded Men should die of their Wounds, those that gave the Wound should suffer for it in the same manner as if a white Man had done the Act; and if this should happen, we shall expect that not only the young Man whom our Officers seized and have since trusted to your keeping, but the other also who hath fled, shall be apprehended, and be both delivered up to be punished; but if the wounded Persons recover, as we hope they will, those two Offenders besides making Satisfaction to the Sufferers, should pay all the Charge of their Cure and of nursing and keeping; and if the two Indian young Men are not able of themselves to do this, their friends should help them & do it for them, till by their own Diligence in Hunting they can make Satisfaction; they must likewise faithfully promise to behave themselves well & peaceably towards all our People for the future, that no just Cause of further Complaint may be given against them. And on this Occasion we would desire you to caution all your young Men not to come amongst our People with any dangerous Weapons, that all further Mischief may be avoided, for we must all live friendly

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& peaceably together; we are to take Care that none of our People shall hurt yours, and you must take the like Care that none of yours be disorderly or hurt any, either white Men or Indians. And as we cannot doubt but in this and all other Cases you will shew yourselves true & good Men, by faithfully performing what you have repeatedly engaged by your Treaties with us, we desire that you who are innocent may not be under any fear or Apprehension, for we should not think you accountable more than our own People, the white Men that inhabit there; And in this we desire you to rest satisfied, and are

Your true friends and Brethren,

In behalf of the Proprietor and the Council,

JAMES LOGAN.

GEORGE THOMAS.
Lieutenant Governor.
1738-1747.



Chapter XII.

GEORGE THOMAS.

Lieutenant Governor,

1738-1747.

SON OF A WEST INDIAN PLANTER AND AT the time of his appointment a member of the Council of Antigua, his native isle, Governor Thomas was a brilliant and powerful representative of the proprietary for nine years. The militia controversy was particularly active during his administration, the Quaker Assembly refusing to appropriate funds for the establishment or maintenance of a military organization. The differences between the Governor and the Assembly became progressively more pronounced and characterized by continuously more acrimonious discussion, until by the adoption of a conciliatory attitude he was successful in building up a more satisfactory situation. During this period the remarkable religious movement led by George Whitefield occurred, but the operations necessitated by the hostile attitude of the French and their Indian allies, were the most conspicuous features of his administration, which extended from August 1738 until his resignation on account of ill health in May 1747.

Introductory Speech to the Assembly.

GENTLEMEN OF THE ASSEMBLY:

It is now more than Twelve Months since I was appointed to the Governments of Pennsylvania, and the three Countys of Newcastle, Kent, and Sussex, upon Delaware, and entertain a reasonable Expectation of soon taking upon me the Execution of that Charge, but notwithstanding no Objection was made Either to my Affection for His Majestie's Person and Government, or to my Character, I met with unexpected Delays from the Objections started by Lord Baltimore against your Honorable Proprietary's Right of appoint a Governour for the three Lower Countys, which however ill-founded, subjected me to a tedious Attendance, And may have disappointed you of some necessary Laws. His Majesty, however, through his great Justice, has been pleased to disregard those Objections, and through his favour to Approve of my Appointment, as well to the Government of the three Lower Countys as to that of Pennsylvania; And I can with great Truth assure You that I have it much at heart to approve myself in some degree worthy of that Favour by such a regard for his Majesty's Service and the Happiness of this Province, as will bear some, tho' but a faint resemblance, of that Justice, Care, and Affection which his Majesty has so constantly exercised towards his Subjects in General. And I doubt not from your know Attachment to his Majesty and his Royal House, of finding a ready concurrence in every thing that may promote what is so much for my Honour and your Interest.

Although it may seem unnecessary from the long experience you have had of the Honourable Proprietary's great Affection for the Inhabitants of this Province, Yet I am Particularly enjoyned to Assure you that they earnestly desire to preserve Peace and Harmony in it, and that they shall ever receive the most

sensible Satisfaction in promoting what may tend to its Prosperity. And I do this the more chearfully as I am convinc'd of the Sincerity of their Professions.

I should immediately on my arrival here have called you together, but that I was informed your private affairs required your presence in the Country in that Season of the year. And now, from the little time I have been with you, I perswade myself that it will not be expected I should enter into a particular detail of what may be proper for you to do this Session; And as most of you have been long conversant in the publick Business of the Province, it seems indeed at this time unnecessary. I have only, therefore, to entreat you, Gentlemen, to preserve the Character you have so well deserved of a peaceable and conscientious People, by avoiding all strife and animosity, by stifling all party Disputes (if any such shall happen) in the beginning, and by maintaining that christian Liberty which has made this Province the Admiration of all its Neighbours. In me you shall always find a steady regard for your Civil and Religious Rights, as they are the only rational Foundations of Society, as well as a constant Inclination to comply with all your desires, so far as they shall be consistent with my Duty to his Majesty, the Rights of the Honorable Proprietary, and my own Character; And whatsoever shall be inconsistent with these, I am confident you will never ask.

Augst. 8, 1738.

To the Assembly Concerning the Payment of Certain Claims in Connection with the Entertainment of a Syrian Nobleman.

HIS HONOUR THE GOVERNOUR IN COUNCIL
to the Gentlemen of the Assembly:

Gentlemen:—At the Desire of the Council, I herewith send you two Accounts, amounting to Thirty-

Seven pounds two Shillings and three Pence, for the entertainment of Sheick Sedi, a Christian Nobleman from Syria, who came to this City in October last, and produced Credentials and a Recommendation from His Majesty's Principal Ministers of State. As the Assembly was not sitting at that time, the President and Council could not consult them; but from the many private instances of Humanity and Generosity, which, I have been informed, were exercised here towards that unfortunate Nobleman, I have no room to doubt of your ordering these Bills to be paid.

August 25th, 1738.

To the Assembly Concerning the Credentials of the
Agent of the Province in London.

HIS HONOUR, THE GOVERNOUR, TO THE GENTLEMEN of the Assembly.
Gentlemen:

Mr. Paris, in a Letter of the 18th of May, which I received by the last Vessel from London, Advises me that the Right Honourable The Lords Commissioners for Trade and Plantations, having been for some time negotiating an Affair of Consequence with a Person who was thought and called Agent for one of the Colonys, and finding upon further inquiry that he had not proper Powers of Agency, to prevent such mistakes for the future, sent for the several Agents, and Mr. Paris, among the rest and directed them to lay their several Powers of Agency before the Secretary of that Board, that their Lordships might know whom to Transact with and send to on any Occasion; and as the only vote of Agency which was ever sent him under Seal, is of Several years Standing, and in the time of a former Governour, he hopes Your House will come to a new

Vote in his Favour, to be laid before the Lords of Trade, pursuant to their Direction. In justice to Mr. Paris, I must add, from the many Occasion I had of Observing his zeal and Diligence for the service of this Province, that you have been very happy in your choice of him, and that I think it will be greatly for the publick Interest to continue him in the Agency by such a Vote.

GEO. THOMAS.

August 29th, 1738.

To the Assembly Concerning the Emission of Paper Money.

HIS HONOUR THE LIEUTENANT GOVERNOUR
in Council, To the Gentlemen of the Assembly.
Gentlemen:

I can but Applaud your Zeal for what you are perswaded concerns the publick welfare, in preparing a Bill for Re-emitting and adding to your paper Currency at a season of the Year which confessedly requires Your own Homes; but as this Bill is of an Extraordinary length—is complicated with others—contains matters quite new to me, and is of the Greatest Consequence, And as too precipitate a passage of it may prove to the Bill it self, and Consequently to the Trade and Estates of every man in the Province, I fear it will require more time to digest it than the Circumstances of your Private Affairs will now allow me.

The Sentiments of the Right Honourable the Lords of Trade (before whom this Bill must be laid) on former Bills of the like kind—The Effect it may have on Trade in General, and particularly on that of Great Britain, both in regard to debts now due and what may hereafter be contracted, must be well-considered, as well

as whether the Additional Sum be not beyond the real Exigencies of the Province, and whether the interest and the Term for repayment be well regulated.

When you reflect how low the Credit of New England, Road Island, Connecticut, Maryland, and Carolina, are fallen by too frequent and too Large Emissions of paper-Money, You will not blame my Caution, more especially as it is disinterested on my part, and can have no other Tendency than to preserve the Honour of this now flourishing Province.

I cannot, therefore, doubt of Your having Candour enough to allow me the Right of Exercising my Judgment in all matters that shall come before me, and especially in one that so nearly concerns the Happiness of the province as well as my Own Reputation.

This Bill, as it is calculated to be the only Act upon which the Credit of your whole paper-money will depend, ought to be well guarded, distinct and properly expressed, that it may carry with it the Evidence of Care and good Judgment in the framing, without which it may suffer in the Opinion of Those before whom you know I am obliged to lay it.

And therefore, as you have Annual Assemblies who sit upon their own Adjournments, I hope you will not think it unreasonable that I take some time and the best information I can get, the better to enable me to judge Rightly of a Bill of this Consequence.

GEO. THOMAS.

September 1st, 1738.

To the Assembly Concerning the Payment for a Flag
for the Province.

HIS HONOUR THE GOVERNOUR AND COUN-
cil, to the Gentlemen of the Assembly:
Gentlemen:

When the Governour was dailey expected from An-

tigua, it was taken notice of by the President and Council that the province was unprovided of a Flag, and were of Opinion and desired that a good new Flag should be immediately bought and gote ready to be hoisted on the Governour's arrival, which the Mayor of Philadelphia having provided at the Expence of Twenty-three pounds Seventeen Shillings and three pence, as appears by the Accounts herewith sent, the payment for it is recommended to your House.

September 1st, 1738.

Valedictory Address to the Assembly.

MR. SPEAKER AND GENTLEMEN OF THE AS-
sembly:

The Good agreement which has subsisted between us during this long Session is, I hope, a happy Presage of the like with all future Assembly's during my Government; And your Attendance on the publick Business at a time so inconvenient to your Private Affairs, deserves the Acknowledgements and Thanks of those you represent.

As I despise all little Acts for the Advancement of my own Fortune, The Present you have already made me unasked, unsolicited, and previous to your entering on Business, and your assurance of an Honorable Support for the time to come, is in every particular manner Acceptable to me, and will engage both my Esteem and Affection, as well as excite my best endeavors for the service of the Province.

The Regularity of your own Behaviour may influence some to the Love and practice of Virtue, but the Corruption of the Generality of Mankind is such as to require the severity of Laws. I earnestly therefore recommend to you, Gentlemen, in your several Stations

a strict Execution of them upon such as will be no otherways terrified from the Practice of Vice and Immorality, and I promise you both my encouragement and Assistance.

As you are now to return to your Several Counties, I assure myself that each of you will endeavour to make the People sensible of the great and Valuable Blessings and Priviledges they enjoy, and that an abuse of them will be both displeasing to God and ungrateful to the Memory of the First Founder of this Province, as it will disappoint His Generous Intentions, and in the end prove destructive of their own Happiness.

September 2d, 1738.

Address to the Chief of the Delaware Indians and
Other Indians.

FRRIENDS AND BRETHREN:

The Honourable the Proprietors, the sons of your deceased Father William Penn, having appointed me their Lieutenant Governour of this Province, It is a great Pleasure to me to find that by the Care of that Great and Good Man at his first Settling this Colony, so firm and solid a friendship was established with all the Indian Natives of it; nor did he only establish it himself when present, but he was further Careful that all those whom he appointed in his absence to rule here in his stead, should continue and improve the same. His Children, also, as they have succeeded him in the Inheritance, so they have no less in Affection and Tenderness for all your People, of which you have already received many Proofs.

For my part, whom you are now come to Visit, I desire that not only you, but your Children and all your People, may be Assured that I shall ever use my best

Endeavours to maintain and improve the same Brotherhood, Friendship, and good understanding that have hitherto Subsisted between our People and yours, in which I shall act agreeably not only to the Directions of Our Proprietors, but to my own Inclinations, and from a tender Regard for the Good of all your People.

I am pleased with all you said to us Yesterday. I thank you for your kind Visit. I am Glad the Road or Path between us is fully cleared, and to your Satisfaction. It must always be both your Care and Ours, not to harken to the reports of idle People, but to hear each other Speak. We shall be pleased to see our Sober good Brethren as often as you find Occasion. It was long since agreed that you and we should be but as one heart, and that our Breasts should be open to each other; and so thus we must ever continue, we and our Children, to all Generations; which you must carefully imprint on the minds of all your Younger People, and that the same may descend to all Posterity. I heartily thank you for your kind Present, and in return to it give you these goods for your Winter Cloathing and Hunting.

October 4th, 1738.~

Introductory Address to the Assembly.

MR. SPEAKER AND GENTLEMEN OF THE AS-
sembly:

As the Happiness of every British Subject is connected with that of His Majesty and the Royal Family, The Birth of a Prince must afford a real Satisfaction to every Lover of his Country, as such, therefore, I can not but imbrace the first Opportunity of congratulating you on so agreeable an Event.

This having been the usual Season for sitting to do Business, both my Duty and Inclination call upon me to recommend such things to you as I think most likely to advance the Prosperity of this Province. The soil of many parts of it is productive of Hemp and Flax, and there is Wood in abundance for making Pot-Ash. There seems, therefore, to be wanting nothing but a due encouragement from the Legislature, to engage the Attention of the Inhabitants to the Improvement of these valuable Commodities—Valuable, as they will furnish your Merchants with a Remittance for the Manufactures imported from Great Britain; and consequently make Gold in some degree current here, as well as set reasonable Bounds to the course of Exchange. And the more valuable, as they do not interfere with the Product of your Mother Country, but will be of immediate Advantage to it, and be a means of engaging its Protection when you shall stand in need of it.

The better your Commodities exported from hence are, the better Price they will fetch at Markets abroad. Care, too, ought to be taken that the Exporter be not deceived in the Quality of them; for as the Charges of Exportation on a bad Commodity are to him the same as on a good one, if he finds himself deceived he will buy where he can be better served. This Consideration applied to your Flower Trade, will induce you to take some further care of it, for tho' the Laws you already have will be of great service if well executed, some farther Regulations seem necessary, particularly to prevent the Mixture of different sorts of Grain, which every Man sees are now reaped together on the same Field.

Few things require more the Attention of a Government than the money current in it; for upon the real value of that depends all confidence in Trade, Foreign and Domestick. Yours has been so frequently counterfeited of late, that there is reason to apprehend the Se-

curity of your Laws has given encouragement to it. I am not in Inclination for sanguinary Laws, but it has been the Policy of all well-constituted Governments to proportion the Punishment to the Crime.

This Province has been for some years the Asylum of the distressed Protestants of the Palatinate, and other Parts of Germany, and I believe it may with truth be said that the present flourishing condition of it is in a great measure owing to the Industry of those People; and should any discouragement divert them from coming hither, it may well be apprehended that the value of your Lands will fall, and your Advances to wealth be much slower; for it is not altogether the goodness of the Soil, but the Number and Industry of the People that make a flourishing Country. The condition indeed of such as arrived here lately has given a very just alarm; but had you been provided with a Pest-House or Hospital, in a proper Situation, the Evils which have been apprehended might, under God, have been intirely prevented. The Law to Prevent Sickly Vessels from coming into this Government, has been strictly put in Execution by me. A Phisician has been appointed to visit those Vessels, and the Masters obliged to land such of the Passengers as were sick at a distance from the City, and to convey them, at their own Expençe, to Houses in the Country convenient for their Reception. More could not have been done without inhumanly exposing great Numbers to perish on board the Ships that brought them.

This accident, I cannot doubt, will induce you to make a Provision against the like for the future.

Should I have omitted any thing immediately necessary for the Publick service, Your Experience will supply it, and my sincere regard for your Welfare engage men to join with you in effecting it.

January 3, 1739.

To the Assembly Concerning the Paper Money Bill.

GENTLEMEN:

As I determin'd on my first taking upon me the Administration of this Government, to make Honour and Justice the Rule of all my Actions, and that no Temptation should induce me to deviate from that Rule, I concluded that I should not stand in need of the little Arts and Subterfuges of necessity put in Practice by such as have no other View than that of enriching themselves by the spoils of those they ought to cherish and protect; and as I have not hitherto found myself mistaken, I shall with my usual Sincerity give you my Sentiments on your Paper-Money Bill, which I have considered with all the Attention I am capable of, as well as the truest Regard to the Reputation and Welfare of the Province.

Your Paper-Currency, by this Bill, is supposed equal to Proclamation Money, According to an Act of Parliament, made in the sixth year of the late Queen Ann, for ascertaining the Rates of Foreign Coins in the Plantations of America. The contrary of this you yourselves are sensible is evident; since, as Exchange betwixt Philadelphia and London is at Seventy per Cent., your Currency is at this time £36 13 4 P. Cent. worse than Proclamation Money, the Difference betwixt that and Sterling being but £33 6 8. This being the case, the Injustice of obliging (as this Bill does) all Persons to receive it as Proclamation Money, in discharge of Bonds, Rents, etc., tho' contracted to be paid in English Money, is apparent, and contrary to the Intention of all Laws which ought to secure Men's Rights, and not destroy them. I must therefore, recommend to you that a Clause be added effectually to provide for the Payment of all Sterling Debts and the Proprietary Quit-Rents, according to the true and Rate of Exchange between Philadelphia and London

at the time of such Payments; for without such a Clause I cannot, consistently with your Proprietor's Instructions and my own Security, give my Assent to this Bill; and that you may see I do not industriously seek for Arguments to disappoint you of a Bill you have so much at Heart, I herewith send you a Copy of their Instruction to me on this head.

I conceive it will not be thought necessary for me to enter minutely into a Justification of this Instruction, when the Sentiments of that Assembly which passed the last Paper Money Bill in 1729, in their Address to the Proprietary Family, shall be considered. I chuse, therefore, only to transcribe a Paragraph of that Address, Vizt.: "As those Quitrents are to be paid in English Money, or Value thereof in Coin Current, it is our Sense, and so it must always be understood, that an English Shilling, the common Quitrent for One Hundred Acres of Land, can be no otherwise discharged, than by such a shilling, or the real Value of it in the current Coin then passing;" And to observe that as the Payment of the Proprietary Interest is now as much disputed as ever, notwithstanding this honest Declaration, no Method is likely so effectually to put an end to these Disputes, and to Prevent Law-suits which will be attended with great Expence to the Country, as the Addition of such a Clause to this Bill as is mentioned in that Instruction.

When I reflect on the great privileges and Benefits conferred on the Inhabitants of this Province by the first Founder of it, on the grateful Acknowledgments made of them by a Number of Successive Assemblies, and on the sincere Inclinations of your Present Proprietors to do every Thing that may add to your Prosperity, I perswade myself that you will, consistent with your Characters, shew as much Justice in preserving their Rights as their Father did Affection in securing your Liberties.

The Right Honourable the Lords Commissioners for Trade and Plantations having by their Secretary, in a Letter to the late Governour Gordon, declared their Dislike of the Bills of Credit passed in this Province, and their Resolution if any more such shall be passed to lay them before His Majesty for his Disallowance, I would advise that your whole Paper-Currency be not risked in one Bill; for should it be repealed after the Bills have circulated thro' many Hands, How great will be the Confusion? Should you resolve however to hazard all, would it not be more prudent to settle your whole Currency at Seventy-Five Thousand Pounds? For as that Sum is known to their Lordships to have been heretofore emitted by several Laws, and the ill Consequences attending such Emissions have not been so great as in the Places mentioned by their Lordships, they may be more reasonably induced so to recommend this Bill to his Majesty, as that it may not be repealed.

It gives me some Uneasiness that I should be obliged to object to a Bill you think so essentially necessary for the Trade and well-being of the Province; but every candid and impartial Person will acquit me of the least Disregard to your Interests, and acknowledge that I cannot act otherwise without the Imputation of Injustice, and without incurring the Guilt of a Breach of Trust.

GEORGE THOMAS.

January 17, 1739.

Further the Assembly Concerning the Paper Money Money Bill.

GENTLEMEN:

Whatever comes from the Representatives of the Province will always have its due Weight with one disposed, as I am, to use all honourable Means to

preserve Harmony and a good Understanding with them. I can not, however, but own myself a little disappointed by your Message relating to the Paper-Money Bill now before you, the Amendments sent to you having been accompanied with a particular Message from myself, containing, as I thought, unexceptionable Reasons why I cannot pass that Bill as it is now drawn; but you have been pleased to over look that Message, and object only to one of the Amendments proposed, for the following Reasons, Vizt.:

Because you apprehend it will tend greatly to the lessening of the Credit of your Paper-Money, and consequently affect Trade and Commerce.

And because it will be injurious as well in the Sale of Lands not yet granted as in receiving the large Sums of money now due for Lands already sold.

In reply, I must freely tell you that no Credit but what is founded on Justice can long subsist; And that had your Currency been really of equal Value with Proclamation-Money, Exchange had never risen so high, nor these Amendments been at this Time proposed to your Bill; And farther, that the Credit of the Paper-Money in other Colonies has not been lessened on account of any such Exceptions, but because the Sums emitted have been above their real wants, of which the present State of it in Boston, Maryland, and Carolina, are evidents Proofs.

To the second Reason I reply that common Justice entitles the Proprietor to the real Value of their Quitrents, and that, without the Exception proposed, it is evident from times past that they will not be better treated for the time to come, even tho' succeeding Assemblies should declare as that did in 1729.

Your Proprietors must be contented when Justice is done them in regard to their Quitrents, to run the same Hazard with you in regard to the sums due or that may be due on the Sale of Lands, those being gen-

erally Contracts of another kind; And it will be no Small Benefit to your Currency that they will be engaged in Interest to keep up the Credit of it, and to keep down Exchange, And will be obliged to purchase the Produce of the Country to make Remittances, the Sums due to them on Sale of Lands being very much greater than those due for Quitrents.

GEORGE THOMAS.

January 20th, 1739.

Verbal Message by the Secretary to the Assembly Announcing that the Governor has no Power from the Proprietors to Approve of the Paper Money Bill of the House.

I AM COMMANDED BY HIS HONOUR THE GOVERNOUR to tell the House That he has no no power from the Proprietors to recede from the Instruction relating to Paper-Money Bills, nor is his own Judgment altered by any Reasons given by your House against the Amendments sent to the Bill at your last Meeting, and that he thinks it lay upon the House, if you would not agree to those Amendments as they were drawn, to offer such expedients at least as may give the Proprietors just and ample Satisfaction in the matter of their Quitrents; And that he has therefore returned the Bill.

To the Assembly Concerning the Proprietary Quitrents.

GENTLEMEN:

The Bill for re-emitting your Paper-Money, returned to you a few Days ago, is indeed a Bill of great Consequence to the Province, and had there been a Provision made in it for such as have and may suffer

by it, my sincere Regard for your Welfare would not have allowed me to have so long deni'd my Assent to it; but as Justice ought to be the Foundation of all Laws, and no Country can prosper without a strict Regard to it, I am perswaded that you will hold me excused for thinking my self obliged to contend for it. I shall upon all Occasions join with you in the properest Measures for preserving the Peace of the Province, and shall chearfully undertake whatever I think may be instrumental towards adjusting the present Dispute. I am glad to find in your last Message the same Disposition, and can not doubt, had you known the true State of the Proprietor's Quitrents, but the Compensation offer'd would have been as ample as it was well intended; but as it falls very short of what is already due, and will become due in the Term limited, I can not promise myself that they will accept of it. I therefore earnestly recommend it to you to reconsider this Matter, and bring the work you have already begun to an equitable and happy Conclusion.

GEORGE THOMAS.

May 14, 1739.

To the Assembly Concerning the Rights of the Germans of the Province.

GENTLEMEN:

Upon Application made to me on behalf of several Germans, Inhabitants of this Province, that they may enjoy the Rights and Privileges of English Subjects, and for that end praying to be naturalized, I have made enquiry, and find that those whose Names are mentioned in a Petition now laid before your House, have regularly taken up Lands from the Proprietors; that they have taken the Oaths or Affirmations en-

joined by Law, and have peaceably demeaned themselves since their coming into this Government. From these Considerations, I am willing to join with your House in passing a Bill for their Naturalization.

GEORGE THOMAS.

May 14, 1739.

To the Assembly Concerning the Proprietary Quit-rents.

GENTLEMEN:

It will be needless now to repeat the Arguments which have been made use of by me to induce you to agree to the Amendments relating to the Proprietary Quitrents, since the Gentlemen who now resides with you out of a pure Regard to your Happiness, and from an Apprehension that the sinking of your Money agreeable to former Acts, without a Power of re-emitting, would be greatly injurious to the Trade of the Province, is contented to make a Sacrifice of the Interests of his Family to the Good of the Publick, by accepting the Sums offer'd in your Message of the Tenth instant; but as you seem not to have enter'd into any Calculation, in Justice to that Gentleman, I must inform you that the Arrearages now due to the Proprietors amount to Eleven Thousands Pounds Sterling, so that to make up the Difference at 50 P. Cent. only, there is due to them £1,833 6 8, but at 70 P. Cent., (which is the rate of Exchange between Philadelphia and London at this time), £4,033 6 8. This is indeed such a Condescension as requires all the Returns of Duty and Affection in your Power to the Proprietary Family, and ought to be remember'd with the utmost Gratitude by the People. Your sense of it, I question not, will engage you to prepare such Bills before you break

up, to be passed with the Paper-Money Bill, as will prevent future Contention and secure the Payment of their Quitrents in a Method easie and as little expensive as possible to Them and the People.

GEORGE THOMAS.

May 18th, 1739.

To the Assembly Concerning the Bill for Regulating the Choice of Inspectors at Future Elections of Assembly Men.

GENTLEMEN:

A Bill for regulating the Choice of Inspectors at future Elections of Assembly Men, seems absolutely necessary from the Disorders complained of at the last. But I am apprehensive that the Bill now before me is not calculated to prevent the like for the future, and that the Method therein prescribed, considering the little Authority of Constables and Overseers of the Poor, will rather multiply Tumults than discourage them, particularly in this Populous City. However, if you continue desirous of making a Tryal of it, I will give my Assent to this Bill that nothing may be left unessayed for the Preservation of the Publick Peace.

GEORGE THOMAS.

May 19th, 1739.

To the Assembly Concerning the Petitions for the Erection of a New County.

GENTLEMEN:

I have ordered to be laid before you the Petitions of several of the Inhabitants of Philadelphia and Lancaster Counties, setting forth the Hardships and

Inconveniencies they labour under on account of their great Distance from the County Courts, and praying that a new County may be erected agreeable to the Lines marked in a Map of the Province delivered by them. If it shall be thought likely to conduce to the Security, Ease and good Order of that part of the Government, I shall be willing to grant the Prayer of the Petition; And as a Provision will be best made by a Law for the Establishments of Courts of Judicature, I shall also be willing to join with you in one for that or other necessary Purposes.

GEORGE THOMAS.

May 19th, 1739.

To the Assembly Concerning The Treatment of Persons who have settled upon Lands of the Proprietary without paying therefore, Etc.

GENTLEMEN:

In regard to the Application of your House in January last, on behalf of several Persons who unwarrantably possessed themselves of the Proprietor's Lands, and of others who have not comply'd with their Contracts, they have been suffered to continue unmolested on their Lands; And as you then judged that an Act might be necessary, as well for protecting the Property of many others as that of the Proprietor's from such unjust Intrusions for the future, and promised to Join with me in passing such an Act, I shall order it to be immediately prepared and laid before you.

GEORGE THOMAS.

August 9th, 1739.

To the Assembly Concerning the Accounts in Connection with the Treaty with the Shawonese Indians.

GENTLEMEN:

I herewith send you the several Accounts of Expence on the last Treaty with the Sawonese Indians. After a due Examination, I promise myself that you will give such Order for the Payment of them as shall be agreeable to the Honour and Interest of the Province.

If your House desire to see the Treaty at large, I will order it to be copied and laid before you.

GEORGE THOMAS.

August 9th, 1739.

To the Assembly Concerning the Compensation of a Phisician for Inspecting Certain Immigrant Ships.

GENTLEMEN:

The Condition of the Passengers which arrived here last Year from Holland made it necessary for me to appoint a Phisician to visit the Ships which brought them, and at my Desire Doctor Thomas Greeme undertook that Office, and executed it, as well to the Prejudice of his other Business as to the endangering his own Health. As my Conduct in that Affair was approved of by you, I can not doubt of your making his a suitable Recompence.

GEORGE THOMAS.

August 9th, 1739.

Proclamation Publishing the Crown Warrant Granting Letters of Marque and Reprisal against the Spaniards.

BY THE HONOURABLE GEORGE THOMAS, Esqr., Lieutenant Governour and Commander-in-Chief of the Province of Pennsylvania, and the Counties of New Castle, Kent, and Sussex, on Delaware.

"A PROCLAMATION.

Whereas, His Majesty, by his Warrant under his Royal Sign Manual, has been graciously pleased to signify unto me his Royal Will and Pleasure in the Words following, viz.:

George R.:

Trusty and Well beloved, We greet you well. Whereas several unjust Seizures have been made, and Depredations carried on in the West Indies, by Spanish Guarda Costas and Ships acting under the commission of the King of Spain, or his Governours, contrary to the Treaties subsisting between us and the Crown of Spain, and to the Law of Nations, to the great prejudice of the Lawful Trade & Commerce of our Subjects, and many Cruelties & Barbarities have been exercised on the Persons of such of our Subjects whose Vessels have been so seized by the said Spanish Guarda Costas. And Whereas, frequent Complaint has been made to the Court of Spain of these unjust Practices, and no Satisfaction or Redress been procured; And Whereas, a Convention for making Reparation to our Subjects for the Losses sustained by them on Account of the unjust Seizures and Captures above mentioned, was concluded between us and the King of Spain on the fourteenth day of January last, N. S., by which Convention it was stipulated That a certain Sum of Money should be paid



at London, within a Term specified in the said Convention, as a Ballance due on the part of Spain to the Crown & Subjects of Great Britain, which term did expire on the twenty-fifth day of May last, and the Payment of the said Sum agreed by the said Convention has not been made according to the Stipulation for that Purpose, by which Means the Convention above mentioned has been manifestly violated and broke by the King of Spain, and our Subjects remain without any Satisfaction or Reparation for the many great & grievous Losses sustained by them, We have thought fitt, for the Vindicating the Honour of our Crown, and for procuring Reparation and Satisfaction for our injured Subjects, to Order Reprisals to be made upon the Crown and Subjects of Spain. And We do therefore by Virtue of these Presents, authorise and empower you to issue forth and grant Commissions of Marque and Reprisal to any of our loving Subjects or Others who shall apply to you for the same, and whom you shall deem fitly qualified in that Behalf, for arming and fitting out private Ships of War for the apprehending, seizing, and taking the Ships, Vessels, and Goods belonging to the King of Spain, his Vassals and Subjects, or any inhabiting within his Countries, Territories, and Dominion in the West Indies. Provided always, that before any such Commission or Commissions be issued forth, Security be given upon every such Commission as hath been used in such Cases, and you shall insert in every Commission to be granted by you, all such Clauses, and give such Directions and Instructions to the Person or Persons to whom you shall grant such Commission, as have been usual in Cases of the like nature, and for so doing this shall be your Warrant; and so we bid you Farewell. Given at our Court at Kensington, the fifteenth day of June, One thousand seven hundred and thirty-nine, in the Thirteenth year of our Reign.

By His Majesty's Command.

HOLLIS NEWCASTLE.

Now to the End that His Majesty's Subjects under my Government may be upon their Guard to prevent any Mischief they might otherwise suffer from the Spaniards, in Revenge for the Measures His Majesty is obliged to take to do Himself and His Subjects Justice, and that they may in their several Stations annoy the Subjects of Spain in the best manner they are able, I am commanded to make publick His Majesty's said Orders. And it is further His Majesty's Royal Will and Pleasure, signified to me by his Grace the Duke of Newcastle, one of His Majesty's principal Secretaries of State, That no Ammunition or Stores of any Kind whatsoever be carried to the Spaniards, under Pain of His Majesty's highest Displeasure, and of being rigorously and severely prosecuted for the same, of which all Magistrates, Officers, and others, are to take Notice, and to use the most effectual Methods for prevention thereof. Given under my Hand and the Great Seal of the Province of Pennsylvania, at Philadelphia, the Twentieth day of August, Anno Domini, One thousand seven hundred and thirty-nine, and in the thirteenth of his Majestie's Reign.

GEORGE THOMAS.

By Command—THOMAS LAURIE, Secretary.
GOD SAVE THE KING.

Speech to the Assembly Concerning the Hostilities with Spain.

MR. SPEAKER, AND GENTLEMEN OF THE ASSEMBLY:

The Measures His Majesty has thought himself obliged to take for the Support of the Honour and Dignity of his Crown, the Security of the just Rights of his Subjects, & the good and safety of his Dominions,

by ordering the Ships and Effects of the King of Spain and his Subjects to be seized, ought to caution us to be upon Guard to prevent any Mischief we might otherwise suffer from the Spaniards in Revenge for these Measures. And as there is too much Reason to apprehend, by all our Accounts from Europe, that a Neighbouring Nation, powerful and watchful of all Advantages, will join with Spain, and that a bloody & destructive War is like to Ensue, My Duty to His Majesty, my Resolution faithfully to discharge the Trust committed to me, and my concern for your Safety, will not allow me to be silent in a time of so great danger.

I therefore earnestly recommend to you to turn your thoughts upon the defenceless State of this Province, and to put it into such a Condition, before it be too late, as become Loyal Subjects to His Majesty, and Lovers of your Religion and Liberties.

The Miseries of a City sack'd, or a Province ravag'd, are more easily imagined than described; and if attended to must influence every Lover even of his own Family to defend that part of it, which from Sex or Age must depend upon him for Protection from the Insolence and Wickedness of Licentious Invaders.

As the situation of Affairs in Europe gives me reason hourly to expect His Majesty's Commands to lay before him the Strength and Circumstances of this Government, I hope your Resolutions will be such as will tend to preserve His Majesty's Regard for you, to the Security of this Province, and I may say of this part of the British Empire in America, since the loss of it must greatly endanger the whole; And that you will not be unmindful of His Majesty's, your own, and the general Honour and Interests of these parts of His Majesty's Dominions, when the neighbouring Provinces are vigorously pursuing these laudable Ends.

October 16th, 1739.

Valedictory Remarks to the Assembly.

GENTLEMEN:

When I spoke to you last I was not ignorant of its being unusual for Assembly's to sit to do Business at this Season of the Year; but the threatening aspect of Affairs in Europe made me justly Apprehensive that a Delay might be attended not only with Inconveniences but with very great Danger; &, therefore, I promised myself that your House would wave a Rule no ways Essential, to have enter'd upon a Matter of as great Importance as perhaps was ever laid before an Assembly of this Province, and upon which the Security of it, under God, depends.

It has always been esteemed an Instance of great Wisdom in Governments to see Danger at a Distance, & to make a timely Provision against it; and I think the timely Caution His Majesty has given to us to be upon our Guard is an Instance if his tender Concern for our Welfare, & ought to excite in us a suitable Regard for His Majesty's Honour & our own Safety.

I shall indeed be obliged to meet the Assembly at Newcastle, the 22d of this Month; but something might have been resolved by that time, or a short adjournment then proposed; but as the time of adjourning is a Privilege of your House, I must be content with having so far done my Duty, and heartily wish there may be no further occasion to call you together again before the time mentioned.

October 18th, 1739.

Speech to the Assembly Inviting Attention to Certain Matters Connected with The Paper Money Bill.

GENTLEMEN:

The necessity of this Meeting in Assembly before the time to which you stood adjourn'd, will be manifested by the Letter from the Right Honble

the Lords' Commissioners for Trade and Plantations, and the Addresses of the Houses of Lords and Commons concerning your paper Currency, which I received from their Lordships by the last Ship from London, and which my Secretary has in command to lay before you.

As the success of your last paper Money Bill may in a great Measure depend upon enabling me to transmit the Accounts required by the first Ship from London, and upon your well instructing your Agent there, I think it needless to urge you to give them all the dispatch in your Power, or to make any Professions of my Regard for the Interest of the Province, since my giving you this Opportunity of stating your own Case is a Proof of it.

November 20th, 1739.

Further Remarks Concerning the Paper Money Bill.

GENTLEMEN:

In a Matter of so great consequence as the Currency of the Province, too much Care cannot be taken in stating the Accounts required of me, more especially when it shall be considered that they are to be laid before the Parliament (for it is already become the Subject of a Parliamentary Enquiry), whose Sagacity in discovering Errors is as well known as their Justice will be in distinguishing where the paper Emissions have or have not been advantageous to Great Britain.

I am truly of Opinion that your Bills of Credit are now absolutely necessary for carrying on your Trade, and will continue useful so long as they shall be kept within due Bounds, and I would gladly render such an Account of them as should show my real Regard for

the Interest of Pennsylvania. But lest I should commit any mistakes to its prejudice, I chuse to transmitt the Accounts you shall putt into my hands, without the least Addition or Alteration of my own. I cannot, however, but observe to you that those delivered to me with your last Message lie open to some Objections, which the British Merchants trading hither will readily point out. Lest, therefore, the Case should appear in a worse light than it really deserves, I should be glad you would reconsider them, and make such Alterations as you shall be convinced from the Draught & Observations herewith sent you, are really necessary.

November 27th, 1739.

To the Assembly Concerning the Use of Arms and
Other Measures for the Defence of the Province.

GENTLEMEN:

Your dutiful Expressions of His Majesty, your Gratitude for the many Blessings you enjoy under His Government, and the just sense you entertain of my Concern for the safety of the Province, notwithstanding our Difference of Opinion in others Matters, render your Address very acceptable to me. I should have thought myself happy not to have been laid under a Necessity, by the Posture of Affairs in Europe, of pressing a Matter so disagreeable to the religious Sentiments of many of the Inhabitants of this Province; but as I think myself indispensably oblig'd by the Duty I owe to His Majesty in Discharge of the Trust reposed in me by your Honourable Proprietors, and from a disinterested Regard for the Lives and Fortunes of the People under my Government, to warn you of the impending Danger, I hope you likewise will have Patience

with me, and continue to entertain the same charitable Sentiments of my Intentions.

In my Speech to you at your first Meeting, I considered you as the Representatives of the whole body of the People, as a part of the Legislature, and as Protestants, and as such I desired you to turn your Thoughts upon the defenceless State of the Province, and to put yourselves into such a Condition as becomes Loyal Subjects to His Majesty and Lovers of your Religion and Liberties. As it did not become me to distinguish the particular religious Perswasions of every Member of your House, I could speak of your Religion no otherwise than in Contradistinction to the bloody Religion of France and Spain; but now from what you yourselves have declared, I must lament the unhappy Circumstances of a Country, populous indeed, extensive in its Trade, bless'd with many natural advantages, and capable of defending itself, but from a religious Principle of its Representatives against bearing Arms, subject to become the Prey of the first Invader, and and more particularly of its powerfull Neighbours, who are known to be well armed, regular in Discipline, inured to Fatigue, and from thence capable of making long Marches, in Alliance with many Nations of Indians, and of a boundless ambition.

Far be it from me to attempt the least Invasion on your Charter, or your Laws for Liberty of Conscience, or to engage any Assembly in Measures that may introduce Persecution for conscience sake. I have always been a profess'd advocate for Liberty, both Civil and religious, as the only rational Foundation of Society; and I trust that no Station of Life will ever alter my Sentiments. Religion, where its Principles are not destructive to civil Society, is to be judged of by Him only who is the Searcher of all Hearts; and I think it as unreasonable to persecute Men for their religious Opinions as for their Faces; But as the World is now Circum-

stanced, no purity of Heart, no set of religious Principles, will protect us from an Enemy; were we even to Content ourselves with Cottages and the spontaneous productions of Nature, they would rob us of the very Soil; but were Treasure is they will be eager and watchful to break in and spoil us of it. You yourselves have seen the Necessity of acting in civil affairs as jurymen and Judges, to Convict and Condemn such little Rogues to Death as break into your Houses, and of acting in other Offices where Force must necessarily be used for the preservation of the publick Peace; and are the fruits of your Labour, and the Labour of your Forefathers, reserved only to be given up all at once to His Majesty's Enemies and the Enemies of your Religion and Liberties? The Freeholders of the Province have chosen you for their Representatives; and many of the principal Inhabitants have publicly petitioned you that some Measures may be taken for the Defence of the Country. Where then will be the inconsistency of Partiality of Complying with what I have recommended and they have desired? Whatever expence it shall be attended with, they will with reason expect you shall bar your proportion of it, as was done here in the sum granted to Queen Anne for reducing Canada, and as has always been done by Men of the same religious Persuasions in Britain for carrying on a War against the Publick Enemy; but none of them, I believe, are so unreasonable as to expect that such as are principled against bearing arms shall be compelled to act or be punished for not acting against their Consciences. This I am instructed by your Proprietors, in a manner most affectionate to you, to guard you from; and this is perfectly agreeable to my own Inclinations.

A mind employed as mine has been about the Defence of the Province, has long since made it self acquainted with the Powers granted in the Royal Charter for that

end; and I think it may be reasonably concluded, from the very Paragraph now transcribed in your Address, that the first Proprietor, tho' one of the People called Quakers, must have entertained an Opinion (however different from yours) of the Lawfulness and Necessity of bearing Arms in Defence of his Government against the Invasion of Enemies; otherwise he would not have excepted of the Powers of a Captain General in that Charter. How far those powers can operate upon a free People without the Interposition of a particular Law, any person of a small share of Knowledge in the Constitution of his Country may easily determine. Is any Man obliged without Law to equip himself with Arms and necessary accoutrements, to learn the use of them, to obey his Officers, or even to face his Enemy in time of Danger? An Officer without legal Authority, and Men under no legal Obligations, may indeed exhibit a pretty piece of Pageantry for a little time, but can be of no real Service in the Defence of a Country, or be long kept together; for as Humour brought them together, Caprice will soon disband them; And this I am informed was the End of the Shew in the time of a former Governor, and tho' attempted to be revived by another, could never be accomplished; besides, what could two or three Hundred Men, if so many could be perswaded to distinguish themselves from the rest of their Country-Men, do in defence of a Country of such Extent, and liable to be attack'd by Sea and Land.

From his Majesty's Royal Virtues, and His impartial Regard for all his Subjects, I agree with you that we have reason to hope for a share of His Protection with His other Subjects in America, but should we declare we are unwilling to be at any Expence or to expose our our Persons to any Danger, and at the same time implore the Assistance of our Mother Country, I fear we shall rather expose ourselves to Derision and Contempt than obtain its Compassion or Protection.

Every Man that acknowledges the Superintendence of one Supreme Being in the Affairs of the World, must be sensible that without His Blessing all we do will come to nothing; and yet we build, we plant, we sow, and we send Ships to Sea, concluding that these are necessary means for accomplishing the Ends desired. But that we should do all these, and at the same time expect that God should fight our Battles, without preparing ourselves the necessary means for our Defence, I confess can be no more reconciled to my understanding than that Because the Lord stills the raging Waves of the Sea, the Seamen may therefore leave the Sails of the Ship standing, and go to sleep in a Storm; Or that Watchmen are therefore unnecessary, because Except the Lord keep the City the Watchman waketh but in vain.

But perhaps I may be thought to have gone out of my Province, therefore shall return once more to beseech you out of the sincerest Affection for your Interests, to act as will undoubtedly be expected of you by His Majesty, for the Security of this Part of His Dominions, as becomes Protestants and Lovers of your Liberties, your Country, and your Families.

GEORGE THOMAS.

Phila., January 10, 1739.

By his Honour's Command.

Thomas Lawrie, Secr.

To the Assembly Concerning the Proper Defence of the Province.

GENTLEMEN:

As I find myself disappointed by your Message of the 19th Instant in my Hopes of engaging you to put the Province into such a posture of Defence as

may be for His Majesty's Honour & your own Security. I could at this time willingly decline of giving you or myself any further Trouble on that Head; but as that Message discovers an Acrimony which I little expected from Men of your Principles, and which should be carefully avoided in all publick Debates, and as I am resolved never to fail in the Regard due to the Representative Body of the People, I think myself obliged, as far as I am capable of understandg. the Reasons urged in it, to enter into the Consideration of them; tho' otherwise I might safely leave what has passed between us to the Judgment of every judicious and impartial Person, but more particularly to that of His Majesty and His Ministers, before whom it is not improbable it must shortly be laid.

As there are different Degrees of Understanding in Men, and from thence it is no uncommon thing for Men to see the same Thing in different Lights, I flatter myself it will be as well understood by others as myself. That altho' a Country be populous and capable of defending itself, the Principles of a Part of the Legislature against bearing Arms may as well Subject that Country to become the Prey of an Invader, by the Legislature's refusing to oblige the Inhabitants to exert their Natural Faculties and to provide themselves with the necessary Means of Defence, as if those inhabitants were under an absolute Restraint.

I am obliged to you for the particular Description you have favoured me with of the Situation of this Province; but had you look'd into a Map of it you would have seen That the French have a very considerable Tract of Country adjoining to it, and that they have an easy Conveyance from their principle Settlements to their effort at Niagara, which is built either within the Bounds of this Province or upon the Borders of it; and if our Information be true, as there is not any Reason to doubt it, a considerable Body of them, in

Conjunction with a Body of Indians, made a longer March a few Months ago to attack some Nations of Indians to the Southward than will be necessary to bring them even to this City. I agree with you that there is not any Reason to apprehend that they will attack us by Landing on the other side of the Jersey's. But you seem to have forgot that tho' the Lower Counties are between you and the Sea, they are in as defenceless a Condition as yourselves; and that you may be attacked that Way unless you are assured that they likewise will be so civil as to be at the Expence of Arming themselves for your Defence. The Navigation of your River has been reckoned difficult; but it is now so well known that near Three Hundred Vessels come up from the Sea every Year and return to it again in Safety. I observe the Muster you have made of the Forces of the neighbouring Governments, and the Hopes you entertain that they will defeat the Designs of an Enemy for you without putting yourselves to any Expence; and could I be assured that all the Inhabitants, principally for bearing arms, have passed in Review before you, and that from thence you know they are well armed, and have good Reason to suppose that a considerable Number of them have been well disciplined and understood the art of War, and that you are likewise certain that they will punctually perform their Duty without any obligation from Law, I should agree with you that any attempt that shall be made upon us will prove dangerous to our Enemy. But without these, any Man of the least knowledge in affairs of this kind, must apprehend That our Numbers will serve only to increase our Confusion. It is true that we have not yet any account that War is declared between France and Great Britain, and were there any reasonable Foundation for it, I could hope with you that it never may; But other Provinces have, notwithstanding, thought it proper to prepare against such

an Event; and had you read the publick Accounts of the Transactions of the Assemblies of Boston, New York, and other Colonies in America, you would have known that their Governors have not met with the same Opposition—that their Assemblies have provided for the Defence of those Governments, and that you alone oppose all Preparations as unnecessary.

I agree with you that good Men may hope for the Protection of the Supreme Being, but History, both sacred and prophane, shews us that Goodness has not generally served to protect them from the rage of Enemies, and the Christian Religion teaches us that much greater Rewards are reserved for the Righteous in the next World than any temporal Blessings in this.

If a Burglar acts contrary to the Laws of Christianity and of the land in breaking open your Houses, and by those Laws you are justified in putting him to Death; and if a soldier acts contrary to the Laws of Christianity (as he does according to your own principles) and the Laws of Nations, in plundering your Houses and murdering your Families, it will be difficult to shew why you may not as justly put the latter to Death as the former. The Will of the Prince, or the mistake of the Soldier, can have nothing to do in determining the moral Good or Evil of the Action.

The Number and Worth of such as have already petitioned for putting the Country into a Posture of Defence, is well known; but as the Number of such as have not petitioned, and you say are of the same Sentiments with a Majority of your House, are not known, at least to me, I can make no certain Judgment of this Matter; but as the People generally form a true Judgment of their own Interests when they are unbiassed and left to themselves, I think it more reasonable to conclude that the Majority are of the same Opinion with the Petitioners; Many, however, may be terrified if artfully applied to, with the Expence of a Fort and Militia.

Whenever Defence in general shall be agreed to, the former, if thought necessary (tho' positively pronounced by you to be of no use), must be attended with Expence; but your Public Funds will be sufficient to supply that without raising One Shilling upon the People; and the latter will not be attended with any at all to the publick; and but little to each private Man, and much less if they are already Provided with Arms; but if a well-regulated Militia can be proved, any other way than by your own Assertion, to be of as little use as that which depends upon the Caprice of every Man in it, I shall be against the former, and own that I have, with all others in the World besides yourselves, lived to this time in an error.

As I am not so well acquainted 'as you seem to be with what passes in the Neighbouring Counties, you will excuse my not joining with you in the handsome Compliment you are pleased to pay them and their Governors; and as you have given me reason to hope that they will beat our Enemies for us in case we should be so unfortunate as to be attacked, it would not be consistent with common Policy. The Corruption of the best Things is the worst. Religion itself has made a Pretence for the most unworthy Actions; and tho' a Militia be absolutely necessary for the Defence of a Country, bad Governors may have abused their Power; but I hope when One shall be thought necessary to be established here, your Foresight of these Inconveniences will guard you against giving any such Powers as may be made an ill use of.

You seem to expect I should be satisfied with your bare Assertion, That the Payment of Taxes by your Friends in England for carrying on a war is not parallel to the Case under Consideration, but as you have not been pleased to shew the Difference, I must still conclude that there is not any. My Information relating to the Affair of Canada is from the Minutes of Council.

where I find That Mr. Gookin, then Lieutenant Governor, After having laid the Queen's Manifest before the Assembly, declaring her Designs against Canada, says in his Speech to them, "That he hopes they will not think themselves unconcerned, but chearfully enable him to raise and support the Quota of Men assigned for this Province, or else that they would make an Equivalent." The Assembly accordingly prepared in a few days a Bill which was passed into An Act for raising Two Thousand Pounds for the Queen's use, by a tax of five pence half-penny per Pound and Twenty shillings per Head. Was not this by way of Equivalent? And was not it for carrying on the Queen's Designs against Canada? And did not all the Inhabitants without Distinction pay that Tax? But you say This was Tribute, and to shew your Duty, Loyalty, and faithful Obedience to Her Majesty; and that as a succeeding Governor misapplied it, future Assemblies will have no great Encouragement to follow the Example. But I hope that future Assemblies will so little Regard your Sentiments as to take all proper Occasion to shew their Duty, Loyalty, and faithful Obedience to His Majesty and His Illustrious House. If you design'd this as a Reflection upon Governors in general, and me in particular, as you must have done (otherwise there was no Occasion to have mentioned Governors at all), as my Conduct and the Justice of my Administration defies all Attacks upon my Character, The Insinuations will have no weight with the thinking part of Mankind.

As Actions are the best Evidences of a Man's Thoughts, your first Proprietor's acceptance of a Military Charge, his devolving it upon his Lieutenants, and his Commission to a Person to command a Fort at Newcastle, which I have under his own Hand writing, are sufficient Proofs to me of his Opinion; and tho' I have a very high Regard for that Gentleman's Character, render it altogether unnecessary to examine his Writings, if he has wrote on that Subject.

It may not be decent in me to enter into a Dispute about the Power of the Crown; but tho' the Crown may have a Right to Services particularly reserved in the Grants of Lands in England, as no such services are reserved in Grants here, the People seem not to be under the same Obligations.

Because no more than two or three Hundred Men appeared under Arms in the time of a former Governor, and because even that Number may not be persuaded to do it now, as they see no Probability of being serviceable to their Country for want of being put under proper Regulations by Law, does it amount to a Proof that there is not more than two or three Hundred in the Country for putting it into a proper posture of Defence? If you think it does, I believe you alone are so clear-sighted as to see it in that Light.

The Demeanor of the People called Quakers may have merited the Protection of the Crown and the esteem of Mankind; and as I believe this is the first Instance of a Number of them having made use of Liberty of Conscience for tying up the Hands of His Majesty's Subjects for defending a valuable Part of His Dominions, situate almost in the Center of those in North America, I heartily wish that it may not be attended with any ill Effects, either on the Minds of our Fellow-Subjects or on the Fortunes of the People of this Province.

Had I stated the Argument in your next Paragraph, as you have done, I should not indeed have thought the Conclusion very forcible; but as it was stated by me, any thing you have said will not be understood to destroy the Force of it: For I believe it will be still thought as little consistent with Reason to expect we shall be protected from an Enemy without preparing the necessary Means for Defence, as it would be to expect Grain without Sowing, or Fruit without Planting, and so in other Instances. But I am hindered

from entering into a more particular Disposition of this Paragraph, as I have been from inserting many other observations on your last Extraordinary Message, by the Attention I am obliged to give to a very long Bill sent up by your House, which I perceive has raised a considerable Ferment in the Minds of the Inhabitants of this City; yet if I find it necessary, or that it is expected from me, I shall be very willing to devote a much greater Share of my Time to what is so apparently for the Security of the People under my Government.

GEORGE THOMAS.

Philad., Jan. 23, 1739.

By His Honour's Command.

Thomas Lawrie, Secry.

To the Assembly Concerning the Bill for the Better Raising of Money on the Inhabitants of Philadelphia.

GENTLEMEN:

Upon perusal of the Charter by which Philadelphia was erected into a City, and the Mayor and Commonalty created a Body Corporate and Politick, I observe the Streets are to continue as they were then laid out and regulated, and that the End of each Street extending into the River Delaware is to be and continue free for the use and Service of the Inhabitants of the said City, &c., who may improve the same for the best advantage of the said City, and build wharves so far out into the River as the Mayor, Alderman, and Common Council, &c., shall see meet.

The same Mayor and Commonalty have a Power and Capacity to purchase Lands, &c.

The Mayor and Alderman are Justices of the Peace and Oyer and Terminer; And upon their own View, or after a legal Procedure, &c., may cause all Nus-

ances & Ineroachments upon the Streets to be removed, and punish the Parties offending as the Law directs.

The same Charter grants likewise to the Mayor and Commonalty Power to build a Prison and Courthouse when they shall see Occasion, and authority to make such good and wholesome Ordinances (not repugnant to the Laws of England and of this Province) as to them shall seem necessary and convenient for the Government of the said City, and the same again to revoke at their Pleasure.

And all these they claim as Rights and Franchises to them and their Successors for ever, and say they ought not to be divested of them, or any of them, otherwise than by a Tryal at Law.

It appears that the Mayor and Commonalty have by virtue of their Charter made divers Ordinances for regulating the Streets, Wharfes, Pavements, Buildings, &ca., within the said City, and that the same have been carried into Execution, very much to the Convenience of the Inhabitants and others, and to the Reputation of the City and Country.

And by the Bill before me the whole Superintendency or Regulation of all the Streets, Wharfes, Houses, Landings, Bridges, Docks, &ca., is put into the hands of Commissioners and Assessors, to be elected annually by the People. But by the Bill they have no Power to make Ordinances, Rules, or Orders for the Government and Guidance of themselves, or those who are to succeed them in those Regulations, nor any Power to compel Obedience to such Rules if made, or any Obligations upon the Succeeding Assessors and Commissioners to finish what their Predecessors had begun. And whether the Mayor and Commonalty will think fit to continue their Ordinance now in being, when the Power of putting them in Execution is taken out of their hands, and put into the hands of those who may or may not observe them at their Pleasure, is not certainly known.

Therefore was the Bill in all other Respects free from Objections, These Defects would, in my Opinion, render it either wholly Impracticable, or introduce great Confusion both in publick Works of the City and among the Inhabitants.

But it is clear to me that the Bill takes away from the Mayor and Commonalty of Philadelphia not only the whole Care and Regulation of the Streets, Wharves, Houses, Landings, Bridges, Docks, &c., which they claim as their Inheritance for the use of the Inhabitants of the City, but likewise a large and valuable Landing of One hundred feet wide, on the North side of the Draw-Bridge, which by a Deed now before me appears was purchased by the Mayor and Commonalty out of their own Stock. And which they hold for their own Use as a Body Corporate.

Therefore I cannot give my assent to this Bill.

GEORGE THOMAS.

Philada., January 25th, 1739.

By His Honour's Command.

Thomas Lawrie, Secretary.

Proclamation inviting His Majesty's Subjects to Inlist
for the War against Spain.

BY THE HONOURABLE GEORGE THOMAS,
Esqr., Lieutenant Governor and Commander-in-
Chief of the Province of Pennsylvania, and Coun-
ties of New Castle, Kent, and Sussex, on Delaware.

"A PROCLAMATION.



His Majesty having thought fit to declare War against Spain, and being determined by all possible Means to distress and annoy the Spaniards in the most effectual Manner, and particularly by making an Attempt upon some of their richest Settlements in the West Indies, The King has been pleased for that purpose to order a large Body of Troops under the Command of my Lord Cathcart, a Major General of His Majesty's Forces, to go from England with a sufficient Convoy of Men-of-War to a proper place in the West Indies, to be appointed for that purpose, there to be joined by the Squadron under the Command of Vice Admiral Vernon, now in the West Indies, and by such a Number of Troops as may be raised in His Majesty's Colonies and Islands in America.

And as it has been represented to the King that a considerable Number of Men may be easily had, upon proper Encouragement in the British Plantations, and particularly in His Majesty's Colonies on the Continent of America, in Conjunction with the regular Troops to be sent from England, It is His Majesty's Pleasure, signified to me by his Grace, the Duke of Newcastle, One of His Majesty's Principal Secretaries of State, That I should forthwith make the proper Dispositions for raising as many Men as I shall be able to procure within my Government; And that his Ma-

jesty intends the Troops to be raised in North America shall be commanded by Col. Spotswood, a Vigilant & Experienced Officer: the whole, however, to be, after they shall have joyned the regular Troops, under the Command of my Lord Cathcart, General & Commander-in-Chief of all his Majesty's Troops sent to or raised in America.

It is likewise His Majesty's Intention to give all proper Encouragement to the New Levies, by ordering them to be supplied with Arms and a proper Cloathing, and to be paid by his Majesty, with an Assurance of their coming in for their Share of any Booty that may be taken from the Enemy, and of their being sent back to their respective Habitations when the Service shall be over, unless any of them shall desire to settle themselves elsewhere.

His Majsty will order to be sent by Col. Blakeney, who is appointed Adjutant General in this Expedition, a Number of blank Commissions, to be given by me to the Officers in this Government that are to Command the Troops raised here under Col. Spotswood.

As His Majesty doubts not but the many Injuries & Cruelties which the Inhabitants of the British Plantations have suffered from the Violence & Depredations of the Spaniards will be an additional Motive to engage all His Majesty's faithfull Subjects here to exert themselves with an uncommon Zeal in this Glorious Undertaking, so I am resolved to use my utmost Care & Diligence in an Affair of this Importance, and for the promoting the Success of a Service in which the Honour of His Majesty's Crown & the Interest of His Subjects are so essentially concerned, especially those residing in this part of America, who will thereby have a Trade open'd for their Produce, & be enrich'd by the most valuable Returns.

That no Time, therefore, may be lost, I do hereby, pursuant to the Orders signified to me as aforesaid in His Majesty's Name, and with the advice of the Council, Earnestly Invite His Majesty's Subjects within my

Government cheerfully to enlist in this Service, assuring them of all proper Encouragement, of which His Majesty has already been graciously pleased to give ample Instances by appointing an Officer long settled in North America & engaged in Affection to protect their Persons & secure their Interests, to command the Troops raised here, by giving the Governor's Power to appoint such Officers as are Inhabitants or are well Known, by ordering them to be supplied with Arms, Cloathing, & Pay, and by His Royal Assurance of their being sent back to their respective Habitations, when the Service shall be over, unless they shall desire to settle themselves elsewhere. And I do further make known, That I will order some Persons in every County in this Government, of which Notice shall be given in the publick Newspapers & other Advertisements, to take the Names of such as shall be willing to enlist, That they may be in a Readiness to repair to the general Rendezvous at Philadelphia so soon as Col. Blakeney, His Majesty's Adjutant General in this Expedition, shall arrive (which is daily expected) with the Money, Cloaths, and Arms, designed for supporting and paying them.

Given under my Hand and the Great Seal of the Province of Pennsylvania, at Philadelphia, the fourteenth day of April, in the thirteenth year of His Majesty's Reign, and of Our Lord Christ, One thousand seven hundred and forty.

GEORGE THOMAS.

By Command—THOMAS LAURIE, Secretary.

GOD SAVE THE KING.

To the Assembly Concerning the Propriety of a Governor's Denial of Assent to a Bill of the House.

GENTLEMEN:

AS I have transacted Matters of Great Consequence with two preceeding Assemblys without Censure, and as I have since found in my self the same Disposition to do every thing in my Power for the real Interest and Happiness of the Province, I was not a little surprised at your Message of the twenty-sixth of January last, relating to the Bill for the better raising of Money on the Inhabitants of the City of Philada., &ca., but when I reflect on the Circumstances preceeding that Message, and the Hurry in which it was sent, I flatter my self that you, upon a cooler Revisal of it, will acquit me of the Charge contained in it. However, that my actions may appear to others in the same Light I always wish't they might be seen by the Representatives of the People, since they are the result of Motives truly just and impartial, I find myself under a Necessity of showing that the Method taken by me in regard to that Bill is not in the least introductive of any thing new and uncommon, but is exactly conformable to the Practice of former Governors with former Assemblys.

The Manner of returning the Bill was by my Secretary, as usual, and if he was deficient in any point of Duty to your House, it was contrary to my Intentions; but you have not been pleased to name any such to me.

I agree with you that a Governor may deny his Assent to any Bill he may judge improper to pass without assigning any Reason; but when a Governor does condescend to assign Reasons, it does not appear to me that the Rights, Privileges, and Freedom of an Assembly are consequently thereby in any Degree affected, or that this Method had not been heretofore used. Former Assemblys were, I suppose, as jealous of their Rights and Privileges as the present, and yet if you will examine the Journals of your House, as I

have done the Minutes of Council, I believe you will find many Instances of former Governors having given Reasons against Bills at the time they signified their Disapprobation of them, and that it was never before objected to them as a breach of Privilege by any Assembly of this Province.

In the year 1721, The Governor sent down Reasons against the Bill for vesting the Lands and Lotts commonly called the Lands of free Society of Traders in Pennsylvania, in Trustees, to be sold, &ca., with his Resolution not to pass it.

The same was done in 1722, against a Bill for raising the Price or value of English money and Dollars.

The same in 1724, against the Bill for regulating and establishing Fees, &ca.

The same in 1725, against the Bill for distilling of Spirits from Molasses, Corn, and Fruit, in this Province.

The same in 1725, upon an Amendment to a Bill for re-emitting and continuing the Currency, &ca.

In the year 1735, The succeeding Governor sent down Reasons against a Bill the more effectually to prevent the erecting Weirs and Damms within the River Schuylkill, with his positive Resolution not to pass the same into a Law.

The same was done by myself last year against the Paper-Money Bill; and yet a Conference, at the request of the Assembly, was afterwards granted, and the Bill with some amendments, was passed.

These Instances, with many others too numerous to be inserted here, and the Observations I have had an Opportunity of making on the Difference of this Constitution from any other in the King's Dominions, induced me to follow the Forms usual here, as well in respect to giving Reasons against, as proposing Amendments to Bills, which in other Governments is the Business of a different Branch of the Legislature before Bills are laid before the Governors for their Assent.

What your House means by forming a decisive Judgment on a Bill on a private hearing, or otherwise, I am at a Loss to understand, unless you call that a private hearing when the Mayor & Commonalty of the City of Philadelphia were publickly heard by me in consequence of their Petition when the Assessors of the City were likewise present upon notice given them, and when as many Gentlemen as my mean dwelling could contain were admitted. But if you mean by a private Hearing, or otherwise, That I am not to hear the Objections of His Majesty's Subjects here by Petition or Council against any Bill sent from your House, It is indeed carrying the Privileges and Freedom of Assemblys an Extraordinary Length, but at the same time renders theirs Lives and Estates intirely dependent on your Will and Pleasure. I am not such an Enemy to Reason as to shut my Ears against it, nor can I think it really the Intention of your House to abridge me of a Right so beneficial to the People, or to discountenance any from Petitioning to be heard against a Bill by which they think themselves aggrieved.

It is plain from my Transactions with the last Assembly, that it was not my Intention to Preclude your House either from offering Reasons in writing or in a Conference, in support of the Bill, and you yourselves seem to understand it so, by desiring me To hear what the House may be able to offer before any absolute Negative be given, tho' in a former part of your Message you argue upon a quite different Supposition.

If your sending a Message to me after an Adjournment, your desiring a Conference when your Adjournment had rendered it impracticable, and the leaving my Reasons against the Bill out of your printed Votes, tho' your own Message concerning them was inserted, be according to the Methods heretofore usual, I confess my Endeavours to acquaint myself with them have been to no Purpose, and I am so far from thinking such Methods of proceeding likely to preserve Harmony be-

tween me and the Assembly, that on the contrary, I think they have a direct Tendency (however otherwise they may have been design'd by your House) not only to destroy that, but to raise such Jealousies in the Minds of the people as may be destructive of the Peace and Happiness of the whole Government.

If your House thinks fit to send an Answer in writing to my Reasons against the Bill, or if you continue to desire a Conference, I shall be ready to receive the one, or willing to grant the other.

GEORGE THOMAS.

Philada., May 6th, 1740.

By his Honour's Command.

Thomas Lawrie, Secretary.

To the Assembly Concerning their Duty in Times of War.

GENTLEMEN:

Your last answer to my Messages on the Subject of Defence having been delivered to me with your Resolution immediately to adjourn, I took it for granted that it was designed to prevent my pressing you further on that head; and Considering the Temper you were then in, I think it would have been to little purpose. But as every Account from Europe gives us more and more reason to apprehend a general War, you must excuse me if I still consider you as the Representatives and the Watchman of the whole People of the Province, and not as a particular religious Society, the Providence of God having appointed me, too, at this time over them, and I hope as an Instrument of good to them, and not a Witness only of their Destruction.

I can not but be thankful that God has at the same time given me a Resolution above being intimidated by all the Calumny that has been thrown out against me by Persons who, under Pretence of Liberty and

Love for what they miscal the Constitution of this Country, licentiously traduce their Superiors (a practice most unworthy of the Christian Profession), and do what has a Tendency to destroy that Constitution, and to deliver up this part of His Majesty's Dominions into the hands of his Enemies, and the Enemies of our Religion and Liberties.

I have acted consistent with my Duty to His Majesty, with the Trust committed to me by your Honble Proprietors, with the safety of the Province and my own Conscience, and if I must be vilified without Doors, and my Support withheld on these accounts by the Assembly beyond the usual time of granting it to former Governors, the satisfaction will remain with me, that in the End it cannot but prove profitable and honourable to me.

After much said on my part, and nothing done on yours, I cannot conclude this Consideration better than by recommending to your Consideration what the Lord said to one of his Prophets of old.

"When I bring the Sword upon a Land, if the People of the Land take a Man of their Coasts & set him for their Watchman. If when he seeth the Sword come upon the Land he blow the Trumpet and warn the People, Then whosoever heareth the sound of the Trumpet and taketh not warning, if the Sword come and take him away, his Blood shall be upon his own Head. He heard the sound of the Trumpet and took not warning, his Blood shall be upon him; but he that taketh warning shall deliver his Soul. But if the Watchman see the Sword come and blow not the Trumpet, and the People be not warned, If the Sword come and take any Person from among them, he is taken away in his iniquity, but his Blood will I require at the Watchman's hand."

GEORGE THOMAS

Philada., May 6th, 1740.

To the Assembly further Concerning the Relation of the Governor to the Enactments of that Body.

GENTLEMEN:

A Charge of so high a Nature as that of introducing a Practice whereby the Rights, Privileges, and Freedom of an Assembly are affected, against a Person who is engaged both by Duty and Promise to preserve them, ought to be so well considered before it is made, and so clearly proved before it is published, that I can not but again express my Surprize at your having done both without the least Foundation; and much more at your persevering in the Charge after the Instances produced by me (besides others to be produced) of the like Practice for near Twenty years past, in the time of former Governors with former Assemblies.

You are pleased to say that you Decline particular Observations on the Instances given, because none of them, in your Opinion, come up to the Case in Question, unless the Minutes of Council vary from the Messages remaining in your House. As your charge is, that I had introduced a Practice affecting no less than the Rights, Privileges, and Freedom of this Assembly, it might reasonably have been expected that to support it your greatest Strength would have been levell'd at those Instances; But instead of Reason or Proof, rather than acknowledge the Force of them, you satisfy yourselves with a bare Assertion That they do not come up to the case in Question; but will any unbiass'd or unprejudic'd Person be determined by an assertion against plain Proofs, or would it be admitted in the lowest Court of Law against the meanest Offender.

As from hence it may be taken for granted that the Instances produced are a full confutation of your Charge, you think it necessary to have recourse to other Arguments foreign to the Question, and so you enter into the Reason of the thing from the Privilege claimed

by the Assembly of access to the Governor, whereas the true question is whether a new Practice was introduced by me or not; and therefore from that I must not suffer myself to be diverted.

The Distinction in your next Paragraph about a public and a private Hearing is quite new to me, and after some search into the Journals of Parliament I cannot find that it has any Countenance from them, or that a public Hearing of the Parties petitioning against a Bill before either House of Lords or Commons was ever called a private Hearing. Had the Representatives of the People been denied a Hearing you would have had just reason to complain; but as that was not the Case, and as this Matter was transacted according to the Forms heretofore used in this Government, the Charge of my having introduced a new Method cannot lye against me. Had you sought only to avoid Inconvenience, a way should have been taken very different from that of exhibiting a Charge to the Publick for a breach of what you call a Privilege, tho' it was never deem'd so by any one preceeding Assembly.

When Mr. Levis and Mr. Chapman brought the Message from your House on the subject of Defence, they informed me of your Resolution to adjourn; after some Expostulation with them I signified my approbation of it for Reasons then given, and had the Business of the Province called me elsewhere I could have had no Reason, from the known and established Rules, to wait for anything further from you. But after this came your extraordinary Message upon breach of Privileges. Had not that message contained a Charge against me, and you had expressly mentioned a Conference at your next Meeting, no ill impression had been made on the Minds of the People in regard to my Conduct, nor my denying a Conference ever have been suggested. The time of sending it, however, would not have been the less irregular.

As I have long since revised your printed Votes for many years past, I can affirm that it has been the Practice to insert the Governor's Messages and Reasons against Bills when they have been signed by the Governor, and often when by the Secretary only, without any Order for printing the Bills themselves; and for a Confirmation I refer you to the printed Votes, for Governor Gordon's several Messages containing Reasons against the Flour Bill in 1733, against the Bill for the more easy and speedy recovery of small Debts, against the Paper-Money Bill, against the Bill about Weares and Damms in Schuylkill, for my own Message against the Paper-Money Bill last year, and many others; and as Instances to this Purpose are so numerous, I cannot but wonder that your House should fall into this new Mistake. I have not been able to get the printed Votes during Sr. William Keith's Government, but from the constant Usage in the time of his Successor, there is good Reason to conclude the Practice was the same. And it seems to me very unreasonable that the Assembly's Messages in Answer to the Governor's should be printed, without printing those to which they were answers, as it is showing the Governor in a partial and disadvantageous Light to the People, and consequently must have a Tendency to destroy that Harmony between Him and Them which is so necessary for the Good of the Government in general, and should therefore be carefully cherished.

You cannot be more desirous than I am of preserving a good understanding in the several parts of the Legislature; but as one half of the Power of making Laws is vested in the Governor for the time being, you must allow me to exercise my Reason in considering the Good of the whole Government when any Bills shall be laid before me for my assent. The Assembly has Power sufficient, if rightly exercised, to make any People happy; but if once they attempt by any means whatsoever to wrest what belong to the Governor out

of his Hands, it will be a breach upon the Constitution, and introductive of great Discontent and Confusion.

Philada., May 10th, 1740.

To the Assembly Concerning Defence, and the Support of the Governor.

GENTLEMEN:

As you say it will be needless to press you further to put the Province into a Posture of Defence, I must content myself, let what will happen, with having done my Duty both to His Majesty and the People under my Government.

I did not, nor can I now, think you ignorant of the Calumny that has been thrown out against me by Persons without Doors; and tho' I did not expect redress from you, As His Majesty had been pleased in His Speech to His Parliament to mention the Heats and Animosities which with the greatest Industry had been fomented thro' the Kingdom, and his faithful Commons to Answer that they would endeavour to compose those unhappy Divisions, I thought it not improper to complain, in hopes that you for the Peace and Good of this Country would have declared with a Zeal becoming the Representatives of the People that you would endeavor to discountenance such Practices for the future.

Tho' neither the Sum nor the Time for giving the Governor's Support have been absolutely fixed, yet there has been for many years past a Rule observed as to both, except where the Governor has refused his Assent to any favorable Bill, or has taken upon him to differ from the Assembly in other Matters.

As you have said that the Text quoted by you is not applicable to the present Debate, I need only answer that I hope such a Man is not to be found in a Christian Country who trusteth in Man only and maketh Flesh his Arms without trusting in God, and that such as are for aking use of the means God has given them for their

Defence have as reverent thoughts of His Power and Providence as those that profess the contrary.

Philada., May 10th, 1740.

To the Assembly Concerning the Bill for the Better Raising of Money on the Inhabitants of Philadelphia.

GENTLEMEN:

As you seem to have the bill now returned you from me very much at Heart, I have therefore taken some Time to consider the Weight of your Answer to my Reasons formerly sent you for my not agreeing to that Bill. In what I then said I mentioned several of the Powers granted to the Mayor and Commonalty of Philadelphia, which was principally with a View to shew that the Honourable Grantor, by his Charter, intended to make them a considerable Body, as well for the Honour as the Service of the Inhabitants. And that the People might entertain no Jealousy of their being under any undue Influence, he made them entirely independent of himself and his Governments forever, which I should think would not render them disagreeable to you.

But however that may be, I was clearly of Opinion at your last parting, that the Regulation of the Houses, Bridges, Wharfs, Landing-Places, Streets, Water-Courses, &c., was totally taken out of the Hands of the Corporation, and all the Power left to them by the Bill is, that the Mayor, Recorder, and Alderman, shall wait upon the Commissioners and Assessors, and propose to their Consideration such Regulations as the Mayor, &c., shall think necessary; which Proposition the Commissioners and Assessors may regard or not, as they please. So there is all the part which the Corporation are to have in the Regulation; and then it must follow, that all Regulations must be at a stand, or else

the Commissioners and Assessors (who by the Bill are to raise money, employ Workmen, and pay them), must proceed in the manner they think fitt. And this, I presume, is what you mean in your fourth Reason, where you say, "That wherever a Law grants any thing, it also grants every thing necessary to obtain the End proposed; and, therefore, if the Bill be passed into a Law. you conceive the Commissioners and Assessors will be fully authorized to do every thing intended them to do by the said Bill."

Nor can it be said with any Justice that the Bill does not interfere with the Rights of the Corporation, when its evident none of them have it in their Power to do any one Act in the Regulation before mentioned, except that of proposing what they think necessary; which Proposals the Commissioners and Assessors may regard or not, at their Pleasure. Therefore, as it has been so often said that the Bill never was intended to take away or interfere with any of the Rights of the Corporation, and it now appearing that it unquestionably does, I hope it will be insisted on no more.

This was all I intended to say at this time, yet lest it might be suggested some of your other Reasons are unanswerable, I will, therefore, take Notice of such as may be supposed to have some Weight in them, and then give you my own Judgment upon the Proceedings of your House, and what appeared to me when the Corporation and Assessors were heard before me.

You are pleased to introduce your Answer with saying that the Bill being in the Affirmative, and containing no negative Words in Relation to the Charter, will not, you think, if passed into a Law, debar the Mayor and Commonalty from the Exercise of any Powers lawful to them before by Virtue of their Charter. This, I presume, may be a point of Law, and may be true where the affirmative Words do not imply a Negative. For suppose in the Bill you had provided that the Mayor of Philadelphia should henceforward be annu-

ally elected by the Inhabitants, or appointed by the Governor, and being so elected or appointed shall have all the Powers, &ca., that any Mayor of the City of Philadelphia ever had. Now, this Provision is in the Affirmative, and here are no Negative Words, and yet can it be believed after the passing of such a Law, that a Mayor chosen in the usual Manner by the Corporation would be a lawful Mayor? Or suppose the Corporation should choose one Mayor, and the People another, can such a Controversy be determined without a Judgment at Law? And what confusion must ensue upon such a Law, and such a Construction of that Law as you contend for, is too obvious to be particularly mentioned. The Law is not my Profession, but I have read that it is a Rule in the Books that *Leges posteriores priores contrarias abrogant*, and I think it a very just one, if applied to the Bill now under Consideration.

I take Notice that by your Minutes it appears this Bill was ordered to be brought in upon a Petition preferred to your House, complaining of some Neglect in the City Magistrates. It appears, likewise, that upon the Application of the Mayor and Commonalty of Philadelphia, they and the present Assessors, with some other of the Petitioners, were heard before your House; but it no where appears that the Petitioners had made good their Charge, or that the Magistrates were in any Fault, and as the House had come to no Resolve of that Kind, it was reasonable to suppose that in a parliamentary way the Bill would have stopped there. Upon your sending the Bill to me, I received a Petition from the Mayor and Commonalty, requesting to be heard against the Bill, and thereupon I ordered a Copy of the Petition to be given to the Assessors, with Notice of the time of Hearing, and they were heard accordingly; when the Facts appeared thus, as I find by the Minutes I then took:

The Assessors complained that they had frequently sent to the Magistrates to meet them to settle the City

Accounts, which they had not done, and that by Reason thereof some of the publick Money was lost. The Majistrates said, that they had sometimes met the Assessors, but at other Times had not, yet the Law did not require their Attendance at any of those Times, and that their presence was not in any wise necessary to the Settlement of the Assessors' Accounts; and said further, that the only time required by Law for them to meet the Assessors was on some day in April, in order to calculate the publick Debts, &c., that it might be known whether any Money was wanting for the Service of the City; and again, on the 25th of March, &c., they said the Treasurer was to lay his Accounts before the Majistrates and Assessors, who are to allow him what they think fitt to allow him for his Trouble, so that as the Accounts between the Assessors, their Collector and Treasurer, can well be settled without the Presence of the Majistrates, who are not by Law required to attend them; if any Money was lost, it was entirely the Fault of the Assessors. It was further said by the Assessors, that one of their Collectors had applied to the Recorder for a Warrant of Distress, which he refused at that time, and they judged that occasioned the Loss of some publick Money; To which it was answered that a Collector, who is now dead, insolvent, did apply for a General Warrant of Distress, tho' he had levied a great part of the Tax before; that the Recorder, knowing the ill use which had been made of such Warrants, desired the Collector to draw out a list of the Delinquents, and such a List as he could affirm to, that he had demanded the Tax of the respective Persons contained in the List, and that they had neglected or refused to pay, and then he would grant him a Warrant to distrain, and not before; That the Collector did so, and had a Warrant accordingly; but it being several years ago, the Recorder said he could not tell how long it was between the Time the Collector first applied

and the second, but he thinks it was not long, nor does he think himself concerned about the Time, because he is sure as soon as the Collector brought the List of Delinquents he had a warrant to Distrain.

It was said and agreed to on both Sides, that the City Treasurer had waited on the Justices on the 25th of March then last past, when they were in Court doing Business, and that the Treasurer said to one of the Justices, that that was the day he was to lay his Accounts before the Majistrates and Assessors, but believed no other Majistrate heard him, and that the Majistrate answered he knew nothing of it, or some such Words, and that two of the Assessors were in the Court House or in the Balcony, but said Nothing.

To this it was replied by the Magistrates, That unless it were the Magistrate to whom the Treasurer spoke, none heard or knew any thing of the Matter, and that it was the Treasurer's Duty to lay his accounts before the Majistrates publickly as the Law directed, and not to speak to a single Majistrate; And if the Assessors, or any of them, were present, they did not appear as Assessors, nor offer themselves to join the Majistrates in settling the Treasurer's Accounts.

It was said further, that for many years the City Treasurer had never laid his Accounts before the Magistrates, nor had the Assessor ever attended at the Day, as by Law they are enjoined, but had proceeded from Time to Time to allow their Treasurer what they thought fitt for his Service, without the Concurrence or Knowledge of the Majistrates, which was not denied by the Assessors, who, on that Occasion, behaved with great Moderation and Civility; and as the Majistrates appeared to be in no Fault, and that the Charge against them for Non-Attendance arose upon a Misunderstanding of the Act of Assembly, and such a Moderation appearing on all sides, I was in hopes the Bill would have been prosecuted no further. But I find I am mistaken, for tho' the Bill concerns no Part of the Province but

the City of Philadelphia only, it seems to have ingrossed the principal Attention of the Assembly ever since it first came into the House.

And that I may acquit myself fully for differing in Opinion from your Assembly, I will conclude, by adding my own Thoughts upon the present Law for raising Money on the Inhabitants of the City of Philadelphia, as it now stands:

By that Law it appears that the Magistrates have no Power to raise one Penny of Money upon the Inhabitants of the City of Philadelphia, but in Conjunction with the Assessors to be annually chosen by the Inhabitants of Philadelphia, who are to calculate the publick Debts of this City, and what Sum or Sums of Money may be needfull for the Purposes mentioned in the Act, and to what Uses to be applied, all which is to be entred in a Book, And then the whole Trust of laying the Tax or Assessment, appointing Persons to collect the Money, and a Treasurer to receive it, is vested in the Assessors solely. And what remains for the Magistrates to do is only to draw an Order for paying the Workmen such money as was agreed upon by the Magistrates and Assessors, to be applied to each particular Use or Service; So that it's most evident, the Majistrates can lay no Tax, nor apply one penny of the Money raised to their own Use, nor to any other Use except the Uses agreed to by the Assessors, which, in my Opinion, puts the Inhabitants of Philadelphia absolutely out of the Power of the City Magistrates, either as to raising Money or in applying it without the Concurrence of the Persons chosen and elected by the City to represent them in the Execution of that Law.

Let me add to this, that I think it will not be denied that the Mayor and Commonalty are, for their Circumstances, Abilities, and Interest, equal at least to any like Number of men in the City of Philadelphia or Pro-

vince of Pennsylvania, and whose Estates must contribute largely towards any Tax which can be raised upon the Inhabitants of this City, which, in my Opinion, is a good Security to the People against all unreasonable and unnecessary Impositions and Assessments.

May 10th, 1740.

Veto of the Bill for the Better Raising of Money on
the Inhabitants of Philadelphia.

GENTLEMEN:

When I first sent down the Bill now returned you, I then gave you my Reasons why I could not pass it into a Law. That Method I then took as the most likely to satisfy your House that I did not refuse my Assent to the Bill without having Reasons which were at least sufficient, in my own judgment, for my Refusal. But by your Opinion, it seems, I was mistaken. Therefore, That I may not again disoblige you, nor occasion a further Expence to the Country by spending more time in fruitless Messages upon the Subject Matter of that Bill, I will upon this Occasion observe the Rule you were pleased to lay down for me in your Message at your last adjournment, and, without assigning any Reasons for my Refusal, say, That I do reject this Bill.

GEORGE THOMAS.

Philada., May 15th, 1740.

By His Honour's Command.

Thomas Lawrie, Secretary.

Letter to the King or Chiefs to Whom Awanemeak is
Subject.

May 20th, 1740.

FRIENDS AND BRETHREN:

Some of the Inhabitants of the Menesincks inform'd me two days agoe, in a Letter signed by them, that one Henry Webb was barbarously wounded in the Face and Head on the 13th of this Month, so that his Life is in great Danger, by a young Indian Man named Awanemeak, without any Provocation or hurt offered to the said young Indian Man, and they have sent him down from thence in a Canoe to Philada. for want of a Surgeon in those Parts to cure him. He is now here, and is under the Care of one who has represented to me that one of his wounds is very deep, and that if he does live he will be utterly disabled from doing any thing to support himself for the time to come.

I am very much concerned for the Wickedness of this young Indian Man; and, therefore, I say to you, That you are fully sensible that by the many past Treaties between you and us it is in the firmest manner established and agreed that we should all be as one People; that wrongs done by any of either side should be redressed, and the Offenders punished without any Distinction, and you well know when any of our people have taken the life of an Indian the guilty Persons have been put to Death for it, as if the Injury had been done to one of ourselves, without any Difference; therefore, when any of yours are guilty of any such Crime, we do expect they shall in like manner be punished for it. And in all Cases of this Nature, we consider the guilty Person only. If he be a Christian, no other Christian or White Man is put to any trouble, and in the same manner if he be an Indian, we do not account any other Indian answerable for it but the guilty only, and he alone is to be punished; Only this is to be remembered.

that if any of our People commit a Crime and fly for it, our Officers and People search after them and must find them; And so we expect when any of yours commit a Crime, your People shall undertake to find them & cause them to be kept in Prison till they can be prosecuted and punished; but if the Offence be no Murther or some such grievous Crime, a lesser punishment is inflicted on their Bodies, or sometimes they are fined in a Sum of Money to make Satisfaction for their Offence.

Now I do expect that you cause the young Indian Man, Awannemeak, to be immediately apprehended and delivered up, that he may be punished in case Henry Webb should die of the wounds he received from him, and in case that he should recover (which I heartily wish he may), that he may be obliged to make him Satisfaction, besides paying all the Charges of his Cure and of nursing and keeping, and if he is not able of himself to do this, his Friends should help him and do it for him, till by his own Diligence in Hunting he can make Satisfaction to make.

And on this occasion I desire you to caution all your young Men not to come amongst our People with any dangerous Weapons, that all further Mischief may be avoided, for we must all live friendly and peaceably together. We are to take care that none of our People shall hurt yours, and you must take the like Care that none of yours be disorderly and hurt any, either white Men or Indians; and as I cannot doubt but in this and all other Cases you will shew yourselves true and good Men by faithfully performing what you have repeatedly engaged by your Treaties with us, I desire that you who are innocent may not be under any fear or apprehension, and that you will rest satisfied that I am

Your true Friend and Brother.

To the King or Chiefs of the Nations of Indians to whom Awannemeak is Subject.

Introductory Speech to the Assembly Concerning the
Province's Contribution to the Publick Defence.

GENTLEMEN:

I have called you together by His Majesty's Command, under his Royal Sign Manual, to lay before you such parts of His Majesty's Instructions as particularly concern you, as the Assembly of this Province; And it is to be hoped you will pay the Regard to them which becomes dutiful Subjects to His Majesty, who hath entered into a War, not to gratifie any Ambitious Views or Designs, but at the desire of His Parliament, to vindicate the Honour of His Imperial Crown, to revenge the Injurys done to His Subjects by an insolent and barbarous Nation, and to assert their undoubted Rights of Commerce and Navigation. And that Parliament have not only given His Majesty the strongest Assurances That they will sustain, with Satisfaction and Chearfulness, any extraordinary Expences and Inconveniences that must inevitably attend the various and extensive Services which His Majesty shall find necessary for procuring Justice to an injured and provoked Nation, But have actually laid a Tax over and above the many former Taxes of four Shillings in the Pound, upon all the Landed Estates in Great Britain; which (however grievous it may possibly appear to you who live free from Taxes) is paid with Chearfulness by His Majesty's Subjects there, as it is necessary to forward and give Spirit to His Majesty's Preparations.

His Majesty expects no more of you, tho' your Interests are as much at Stake as any of His British Subjects, "than a Provision of Victuals, Transports, and all other necessarys for the Troops to be raised in this Province till their Arrival at the general Rendezvous in the West Indies, His Majesty having promised to furnish them with Cloaths, Tents, Arms, Ammunition,

and Pay from the Day of their Inlisting." And as this may be complied with without raising one shilling on the People, since you have five or six Thousand Pounds Interest Money, and near four thousand Pounds Per Ann., arising from the last Paper-Money Act (the Money raised by the Excise Law being sufficient for defraying the annual Charges of the Government), I hope you will not, for your own Sakes, even hesitate upon it, but immediately grant what shall be necessary, that the Expedition may not be retarded for want thereof; Especially when it shall be considered that the Principal from whence these Interest Sums have been acquired was not raised upon the People, or out of their Estates, but is purely owing to the Grace and Favour of His Majesty in not disapproving the several Acts by which it was raised.

And that you may not entertain any Jealousy of a misapplication of the Sums necessary for the Services mentioned, and from thence be unwilling to grant them, it will be most agreeable to me that Commissioners be appointed to assist in the Application of them, as well as to make a regular State of the accounts, to be laid before this or the next Assembly. His Majesty's assurance of His graciously accepting my Zeal and Diligence, and the Satisfaction arising from a consciousness of having served my County in an Affair of such Importance, being to an honest mind superior to any Dishonest Gain.

As I cannot allow myself to doubt of your speedy compliance with His Majesty's Expectation, it will be necessary that you next prepare a Bill for taking up what Transports shall be wanted for the number of Men raised here, as well as a Bill for Quartering them in a manner the most convenient and least burthensome to the Inhabitants, until the time of their Imbarkation.

The Governments of Virginia, Maryland, Boston, and

Rhode Island, having even before these His Majesty's Expectations were signified to them, given a Bounty to every Man that should Inlist as a Soldier in this Expedition; several Company's have been successfully raised in those Places and are now ready for Imbarkation. Had your Zeal been as seasonably exerted, I doubt not but a number of Freemen might have been found here equally willing, and might have been made useful for restraining Servants from running into other Governments to inlist there. But as we are now Circumstanced, it will not be possible to keep them; neither is it now probable that a Number of Men should be raised in time to answer his Majesty's Expectations from a Province so populous, without receiving them, unless a sufficient Bounty be immediately given for the Encouragement of Freemen over and above what His Majesty expects.

GEO. THOMAS.

Philadelphia, July 2d. 1740.

By Command,

Thomas Lawrie, Secretary.

To the Assembly Concerning their Action with Regard to the Levying of Money Etc.

GENTLEMEN:

In your address of the 7th Instant you are pleased to say, "That you cannot preserve good Consciences and Come into the Levying of Money and appropriating it to the Uses recommended to you in my Speech."

I am not sensible That I have in the least deviated in that Speech from His Majesty's Eighth Instruction, but if you think otherwise, I recommend to you the "Levying of Money and appropriating it" agreeable

to that Instruction, which ought, indeed, and I hope it will, have a greater Weight with you than any thing I have said or can say. A Copy of it has been already laid before you, and you had likewise the Liberty of comparing it with the Original under His Majesty's Royal Sign Manual.

GEORGE THOMAS.

Philada., July 8th, 1740.

By Command,

Thomas Lawrie, Secretary.

To the Assembly Concerning the Necessary Supplies
for the New Levies of Troops.

GENTLEMEN:

It is now a Week since I recommended to you a Compliance with His Majesty's Eighth Instruction, and yet nothing has been done. A considerable Number of Men have already inlisted in His Majesty's Service, and there appears such an Alacrity in the People as gives me reason to hope that I shall compleat the Levys in a reasonable Time, unless you discourage them by delaying the necessary Supplys.

As the new Levys are in want of every thing, even Houses to cover their Heads, I am hourly apprehensive they may commit some Disorders, therefore I do again earnestly press you to make a speedy Provision for them, answerable to the King's just Expectations.

GEORGE THOMAS.

Philada., July 9th, 1740.

Further by the Secretary to the Assembly Concerning
the Supplies for the Troops.

MR. SPEAKER:

I am commanded by the Governor to acquaint the House, That he is very much pleased to hear that they have made so considerable a Progress in a Bill for raising Money for the use of the Crown; but he thinks no Private Business ought to interfere with a Bill so necessary, and so much for the Honour of the Province.

The Governor would be greatly rejoiced to hear, with any Certainty, of a Peace concluded between Great Britain & Spain; but he is surprized a bare Report of this Kind, in Contradiction to His Majesty's own Letters, should have any weight in the Consultations of a publick Body, or be made use of to delay what is so pressingly recommended by His Majesty.

The Governor is acquainted with the Speaker's Obligations to go to Lewes-Town, but hoped this Bill might be finished with Ease before he set out.

The Governor says, The new Levies are in want of all Necessaries; but that if the House is resolved to adjourn, as they have a Privilege to do, he hopes, that in duty to His Majesty they will meet again in Twelve or fourteen days, otherwise he is apprehensive that he shall be under a Necessity of calling them again.

Extract of so much of His Majesty's Instructions, under His Royal Sign Manual, as concerns the Assembly of Pennsylvania.

Instructions for Our Trusty and Well-beloved George Thomas, Esqr., Deputy Governor of Our Province of Pennsylvania, in America, or the Deputy Governor or Commander-in-Chief of Our said Province for the time being. Given at Our Court at St. James' the second Day of April, 1740, in the Thirteenth year of Our Reign.

Having been called upon by repeated Provocations

to declare War against War, are determined, by God's assistance, in so just a Cause, to vindicate the Honour of our Imperial Crown, to revenge the Injurys done to our Subjects, to assert their undoubted Rights of Commerce & Navigation, and by all possible means to attack, annoy, and distress a Nation that has treated our People with such Insolence and Barbarity.

We have therefore given Orders for the equipping and setting forth of an Expedition against the Territories of the Catholick King in the West Indies, which will consist of a large Squadron of Our Ships of War, and of a considerable Body of our Land Forces, with a suitable Train of Artillery, Storeships, and Transports. The Fleet to be commended by our trusty and well-beloved Edward Vernon, Esqr, Vice Admiral of the Blue Squadron of Our Fleet, and Commander-in-Chief of Our Ships employed, or to be employed, in the West Indiaes, and the Land Forces by our Right Trusty and well-beloved Charles Lord Cathcart, Major General of Our Forces, whom we have appointed Our General and Commander-in-Chief of the said Expedition.

We have also determiend to raise a Body of Troops in Our Colonies on the Continent of North America, to join those to be sent from hence at a particular Rendezvous, which will be appointed for that Purpose, and to act in Conjunction with them under the Command of Our said General, in such Dispositions as shall be made for our Service; And altho' we have not thought fitt to fix any particular Quota for Our Province of Pennsylvania, under your Government, because We would not set Bounds to their Zeal for Our Service; yet considering the great Number of Inhabitants in Our said Province, and that they have of late years been much increased, We doubt not in the least but they will exert themselves upon this Occasion as far as the Circumstances of the Colony will allow, being assured they

cannot render a more acceptable Service to us and to their Mother Country, or do any Thing more essential for their own Interest.

But we trust and expect That Our Assembly of the Province of Pennsylvania will provide Victuals, Transports, and all other Necessarys for the Troops to be raised in our said Province, except Cloath's, Tents, Arms, Amunition, and Pay, till their arrival at their general Rendezvous in the West Indies, from which Time the said Transports shall enter into our Pay; and you are hereby directed, without Loss of Time, to recommend to the said Assembly, in Our Name, to make such Provision that the Expedition may not be retarded for Want thereof.

We depend upon your punctual Compliance with These Our Instructions. We recommend the several Matters therein contain'd to you, Our Deputy Governor, to Our Council, to Our Assembly, and to all other Our good Subjects in Pennsylvania, so far as may concern them respectively. And that we do expect that you should, by the first and every other Occasion that may Offer, send us a full and clear Account of your Proceedings herein by Letter directed to one of Our Secretaries of State.

By His Honour's Command.

A true Copy. Thomas Lawrie, Sec'ry.

Philada., July 2d, 1740.

Extract of his Grace the Duke of Newcastle's Letter, one of His Majesty's principal Secretaries of State, to the Deputy Governor of Pennsylvania, Dated Whitehall, April 5, 1740.

And if you should find Difficulty in Raising the Men within your Government by the Methods that may occur to you for that Purpose, it is His Majesty's Pleasure that you should, in that Case, permit Major General Spotswood, Colo. Blakeney, or any Persons appointed

by them, to beat up for Volunteers, and that you should, to the Utmost of your Power, assist them in it.

By His Honour's Command.

A true Copy. Thomas Lawrie, Sec'ry.

Philada., July 2, 1740.

Introductory Speech to the Assembly Concerning the
Necessity of Actions with Regards to the Supply of
Troops.

GENTLEMEN:

Two of your Members attended me yesterday in the evening, & informed me that the House was met pursuant to the Writts issued by me, and were ready to receive what I had to lay before them. To this I answered that his Majestie's Instructions were communicated to your last Meeting, and that I hoped you would with all possible Diligence proceed to make a Provision of victuals, Transports, and all other Necessaries agreeable to his Majestie's just Expectations for the Troops to be raised in this Province.

These his Majestie's Instructions, & the Instances of the Honble Collo. Gooch, who is appointed by his Majesty to Command the Troops to be raised in North America, & to conduct them to the place of Rendezvous in the West Indies, obliged me to call you together again before the Time to which you adjourned your selves. Collo. Gooch presses me earnestly to provide Transports, and put the Troops on Board in such Convenient Season that he may depend upon their being at the Capes of Virginia before the middle of September, that no disappointment may hereafter attend the Service. But how is this to be done if you do not speedily make the necessary Preperation for it? Should any

Disappointment attend the Service, it must lye at your Door, since I have already performed my Part. The Troops are not, indeed, so Numerous as might be expected from a Province so populous, & on an Expedition which his Majesty and the whole British Nation have so much at heart, yet considering that no Encouragement hath been given here by the Legislature, I hope what is done will be accepted by his Majesty as an Instance of my Zeal for his Honour.

As seven Companies are already compleated in this Government, you will be able to make an Estimate of the Expençe which will attend the Services expected by his Majesty.

The Honble Coll. Blakeney, his Majestie's Adjutant General, hath already remitted to me the Pay of as many of those Companies as were compleated when I wrote to him for it, and hath given me assurance of his doing the like as soon as I inform him of my having raised more, pursuant to his Majestie's Instructions, and his pleasure signified by his Grace the Duke of Newcastle, of which I have now ordered an Extract to be delivered to you, lest it should have escaped your Memories since it was read to you at your last meeting.

I have disposed the Troops into the Adjacent Villages, to prevent Drunkenness & Disorders in the City. But the Exactions of the publick housekeepers for their Lodging & Diet, makes it impossible for them to subsist, since their Pay of sixteen Shillings & six Pence Sterling per Month falls short of the Demand of those People. The King's Troops are billeted in England by Act of Parliament, for four Pence sterling per Diem, whereas the Innkeepers here will not do it under twelve pence per Diem, tho' Provisions are bought for half ye price.

His Majesty, under the Words all other necessaries, certainly expected that Quarters would be provided for them; and if this be not done, it will be difficult to keep

them within the Bounds of their Duty. As the stay of the Troops here will be but short, and the expence, therefore, not very great, I recommend this likewise, to your immediate Consideration.

GEORGE THOMAS.

By Command.

Pat. Baird, Secretary.

Philad., July 29, 1740.

To the Assembly Concerning the Inlistment of Indentured Servants and Other Matters Connected with Preparations for Defence.

GENTLEMEN:

In answer to your Message of the 31st of last Month, I recommend to you a Review of your Proceedings at your Last Meeting. But lest his Majestie's Service should suffer by any neglect of mine, and as Interest & prejudice may blind some amongst You who have otherwise good Intentions, it may be necessary for me to make some observations upon them, as well as upon your last Message.

In my Speech of the 2d of July last, I recommended to you to give a Bounty, as was done in some other Governments, to encourage Freemen to inlist, and expressed my apprehensions that unless such Bounty were given a Number of Men, sufficient to answer his Majestie's Expectations from a Province so Populous, would not be raised without receiving Servants.

In your Address to me of the 7th of July, you tell me that you cannot chearfully accede to the Measures recommended from thence, that is (from what goes before), from the Crown & Government of your Mother Country; And then you say, That you cannot preserve

good Consciencs & come into the Levying of Money and appropriating it to the Uses recommended to you in my Speech, because it is repugnant to the Religious Principles professed by the greater Number of the present Assembly, who are of the People called Quakers. But you made no Answer to what I said concerning Servants.

This I looked upon as a Positive Refusal to Comply with His Majestie's Eighth Instruction. But as the latter part carried an insinuation that I had recommended something different from that Instruction, to cut off all Pretence for differing with me I recommended to you a Compliance with that Instruction in his Majestie's own Words.

On the 9th, I Informed you that a Considerable number of Men were inlisted, and that the Levies would be compleated in a reasonable Time unless you discouraged them by delaying the necessary Supplies, and I then recommended a speedy Provision for them. To this Message you never vouchsafed to give me any Answer, so far were you from Complaining of the inlisting of Servants at that Time.

On the 11th, you sent me the Resolution of your House to be delivered verbally by two of your Members; but as it related to a Matter so strongly recommended by his Majesty, I desired that the Members would return to the House and bring it in Writing, for fear of Mistakes either through the Defect of their Memories or my own. And upon their Return they did deliver it in Writing, acquainting me That the House had made a Considerable Progress in a Bill for Raising of Money for the Use of the Crown, but it being Harvest Time it would be injurious to the Country Members to stay the Completion of it; That there was a Rumour about the Town of the Probability of a Peace between Great Britain and Spain; and for these Reasons you

adjourned, notwithstanding my Instances to the contrary.

In this Resolution you were so far from making Complaints of the King's Officers having received Servants who had voluntarily inlisted themselves, that you say You had made considerable Progress in a Bill for Raising Money for the Use of the Crown. Mut to shew how little you were in earnest in that Bill, you adjourned to the 18th of August upon the Rumour of a Probability of Peace (which no Man heard any Thing of but your selves), to go home to your Harvest, Notwithstanding his Grace the Duke of Newcastle, in his letter of the 5th of April, which was laid before your House & read, there says that Col. Spotswood will receive his Majesty's Directions to Sail with such a Number of the Troops as he can get together, so as to be at the place appointed for the General Rendezvous by the Latter end of August.

Col. Gooch having since that adjournment pressed me earnestly to provide Transports & Provisions for the Troops, so as that they may be at the Capes of Virginia by the Middle of September, I called you by Writ to meet me the 28th of July. As you now find that the Time presses, & that you are obliged to come to the Point to avoid complying with his Majestie's Instructions, the Bill for Raising of Money for the use of the Crown is vanished, and instead of it a Message is sent to me demanding a discharge of all such Servants as have voluntarily inlisted themselves, before you will raise any Money for his Majestie's Service.

In Answer to this new Demand, I say that my Warrants to the Officers to inlist Men were General, and pursuant to the King's Orders; and the Officers inform me That they did not receive any Servants till they met them travelling upon the Road to New York to inlist there, and were well informed that many had gone thither before.

That to all that have applied to me for a discharge for their Servants I have given Notes directed to the Officers desiring them to discharge such Servants, if they can be perswaded to return to their Masters, and it can be done consistent with the Service; and as many have from thence been discharged here, so the discharge of some has been procured by me from other Governments.

That I shall continue this method, that the King's Service and the Interests of the Masters of Servants may go hand in hand, and I doubt not before the Troops imbark most people will be better satisfied than if the Officers had denied to receive them, as they would have run away and inlisted themselves in other Governments on Account of the Bounty given or better provision made there for them. But as to discharging them all at once it will be injurious to the King's Service, and if I may judge from what has happened allready, breed such a Mutiny as will not be easy for me to quell, since, upon Capt. Thinn's returning some Servants back to their Masters, Freemen as well as Servants laid down their Arms, and declared that they would go into other Governments where the King's Soldiers were better use, & were about immediately to disband had not the Captain's Temper & Presence of Mind found a way to satisfy them.

That I shall not take upon me to determine whether a Person indented for a Term of Years may inlist himself in the King's Service, tho' I have the Opinions of many able Lawyers upon it, & most of them give it for the Affirmative with greater Strength of Reason & Law in my Judgement than those that hold the Negative, The Case of Felons transported by Act of Parliament differs much from Apprentices & Servants. However, should any Man think himself aggrieved, I refer him to his remedy at Law against the Officer, and I shall by no means discourage the recovery of his Right if

it be so. I shall be very Cautious, however, of forcing such out of the Service as insist upon serving his Majesty in this Expedition, lest I should by so doing betray his Magistie's Right to the Service of such as voluntarily offer themselves for that purpose.

It must appear very Extraordinary That the King's Affairs should be postponed till you can find Leisure from your Private Affairs to settle the Public Accounts, or that the Officers receiving some Servants into the King's Service should be thought a sufficient reason for refusing what his Majesty was justly expects from a people who have as yet born no part of the Burthen of a Warr undertaken for the preservation of their Property, when the Subjects in Britain chearfully pay very heavy Taxes.

I shall be under no difficulty, allowing all the Articles of Account mentioned by you against the Publick, to make it appear that the Ballance due and to become due in a few Months will Amount to what I have said; But I cannot help observing that what you say of the Payment to be made, the Proprietors were so far from being given for obtaining the Paper-Money Act (as you at best mistakently call it), that it was a low Composition for the Quit-Rents due to them instead of Sterling Money, And by which I made it appear at that Time, beyond Contradiction, they lost several hundred Pounds to gratify the unjust & unreasonable Clamours of some who were not honest enough to perform their Contracts.

If you can shew me that you have contributed in the Minutest Particle to the Execution of His Majesty's Orders, tho' so pressingly and affectionately recommended to you by his Majesty, or how one Man could have been raised in Time for this Expedition by any Encouragement given by You, I will readily acknowledge & Publish to the World the Share of Merit due to you.

If his Majestie's Instructions declaring that he does not fix any Quota of Men, and his Grace the Duke of Newcastle's Letter signifying his Majestie's Pleasure that I am to raise as many Men as I possibly can, notwithstanding the proportion of Arms carried by Col. Blankeney, are not of equal Authority with any Information you pretend to have received, I confess myself incapable of satisfying you; But from your whole Conduct there appears good reason to conclude, That to save your Money You would have been pleased that not even one Company had been raised here.

Altho' your Principles will not allow you to raise Men, or even it seems to support them when raised, you are ready enough to censure the Conduct of others who have been more Zealous in the Execution of his Majestie's Commands. When you want an Addition of Paper-Money Your Province is represented as very Populous and your Trade very Great; But when you are called upon for Men or Money your Numbers and your Abilities are very much Diminished. I have seen and informed myself of much of this Continent, and I can venture from thence to Affirm, that next to New England this Province is the most Populous and the best able to spare a Sum of Money for carrying on this Glorious Undertaking—New York and other Governments having been at a very Great Expence in Building Forts & maintaining their Frontiers.

As it makes for your Purpose, you have greatly aggravated the number of Servants inlisted by calling them several hundreds; but if you will give a Bounty even now to such Freemen as have inlisted and shall be willing to inlist, the number of Servants may be so lessened as not to give much Occasion for Complaint, many of them, as I have been informed, having but few Months to serve, and the Masters are willing they should inlist as they from thence will save the Freedom Dues which they by Act of Assembly are obliged to

give when Servants are out of their Times. The officers assure me they will not inlist any that they know or can be informed are Servants.

The Names of such as should be willing to enter them were by my Order, with Consent of Council, directed to be kept secret for justifiable Reasons, & among others to prevent their being arrested & confined for trifling Sums which they might raise by their Labor before the King should call for their Service; and Servants were so far from having it in their Power from thence to escape, not having received the King's Money or taken the Oath required by Act of Parliament, that their Masters generally were the more watchful of them; and Publications were affixed in the most Public Places by me, declaring That the Obligations between Master & Servant were not dissolved, ordering them at the same Time to return to their Masters, & exhorting the Magistrates to put the Laws in Execution. If the Persons appointed to take the Names of such who should offer themselves for the Service treated the Masters of Servants severely, they were to blame. But I defie you to give an instance of it, tho' Instances can be given of Masters having shewn very little regard to a Name of the highest Dignity.

Acts of Parliament are in force in England for Transporting Felons to the Colonies, but to Use an Expression of the Lords for Trade & Plantation, your Acts have militated even against those Acts of British Parliament, and do so at this Time, your last Act not being yet repealed, tho' objected to at that Board; So that what you make use of now as a Plea against the King's Right to the Service of his Subjects, you have always heretofore opposed by prohibiting the Importation of Felons, and therefore you cannot be supposed to have any such now under Indentures.

If Masters were paid the Value of their Servants, as I am informed was done by a former Assembly for those

inlisted in the Canada Expedition, such as have any regard for their Mother Country would be easy. The Assembly of that Time raised Two thousand Pounds besides, for carrying on that Expedition, by a heavy Tax on the People, whereas at this Time your Interest Money will do that and all that is expected without any Tax.

I should be glad you would shew your Duty to his Majesty, and your Gratitude for the Powers & Privileges those of your Society enjoy here more than in any other part of his Majestie's Dominions, by Actions as well as Words. If your Principles are inconsistent with the End of Government at a Time when his Majesty is put under a necessity of procuring Reparation for his injured Subjects by Arms, why did not your Consciences restrain you from soliciting for a Station which your Consciences will not allow you to discharge for the Honour of his Majesty, and the Interest of those you represent; For it is a piece of Injustice to involve a People of which you are not above one-third in Number, in the ill Consequences that must attend a Government under such a Direction.

Before you apply'd yourselves with great Industry to obtain an uncommon Majority in this Assembly for opposing my Endeavours to put the Province in a Posture of Defence, the Government enjoyed such a Tranquility as gave every honest Man great pleasure of Mind; but since, the Defence of the Province has not only been opposed, but the Rights of the Corporation of this City (generously granted by your first Great Proprietor) have been attacked. Emissaries have been frequently employed to promote Petitions for various Ends, and the Publick Money has been spent in Contests with me, without doing one single act for the Service of your King or the People you represent. This is a Behaviour very different from that Spirit of Chris-

tianity you profess, and I think as different from that of your Friends in England.

GEO. THOMAS.

Phila., Aug. 2, 1740.

By Command.

Pat. Baird, Secretary.

Speech to the Sundry Delaware, Mingo and Ohio
Indians.

BROTHER SASSOONAN, BROTHER CHICAL-
amy, and the rest of Our Brethren from Alle-
gheny, Shamokin, Otzenaxa, Connestogoe, &
Brandywine;

We take this visit kindly, and are glad to see you all. Being desirous to Answer our Brother Sassoonan's Speech in the order he spoke it, we shall first address ourselves to our Brethren who are settled on the River Ohijo.

Brethren:

It is not an uncommon thing to see People forget their nearest and best Friends when they remove at a great Distance from them. The late Governor Gordon, apprehensive that on your removal to Allegheny you might, as many others do, grow cool in your Regards to your Brethren, wrote you this Letter wherein after expressing his Fears lest you, being gone a great way off, might fall into the hands of Strangers and they might tell you many false stories, He gave an Invitation to come and see your old true Friends and Brethren.

It is as you say a great while since you received this Letter, and we might reasonably think that you were not as mindfull of us as true Friends ought to be of one another, but you have excus'd yourselves in so hand-

some a manner, and have so frankly declar'd that you look on this Place to be your home, that we have opened our Houses to you and received you just as we would our own Children returning to us after a long absence.

We are glad to hear that the Country you remov'd to is full of all sorts of Game, and that you are pleased with our People's coming amongst you and supplying you with Powder & Shott and other necessaries for Hunting.

As we do our utmost to promote your Interest, we are pleased to find you gratefull, and accept of your Present of Skins for Gloves.

We are sensible many Stories are told, both to your and our prejudice, by ill People who have no good Designs either on you or on us; but as we on our parts never give heed to the idle Reports, so we are glad to hear from your own Mouths that you give no manner of Regard to them, and we with Pleasure take Notice of what you say on this Head.

Now we proceed to that part of Sassoonan's Speech which relates to you and our Brethren the Mingoës from Shamokin.

Brethren:

We are pleased that our Brother Sassoonan called on you and brought you along with him; we are glad to see you, and the more so because we have nothing but good things to speak to you. It must needs give abundance of Satisfaction when old Friends who live at a distance come together, and have nothing to find fault with or no ill News to tell one another.

We endeavour all that lies in our Power to keep the Roads that lead from us to you clear of all obstructions, and are glad to hear you say you found them open and fair and free from all Hindrances; we don't doubt but if by any Accident any dirt should get into the Roads, whoever sees it first, whether we or you, would immediately remove it, for to let it remain there would be inconsistent with our mutual Friendship.

We thank you for your Assurances to keep the Chain of Peace and Friendship that subsists between us always bright and clear.

We, for our Parts, look on our Brethren as our selves, and what affects them equally so affects us; nothing can trouble them but it troubles us too, nor give them pleasure without giving us pleasure at the same time. I speak now to you all, as well those from Allegheney, Shamokin, and Otzenaxa, as those from Connestogoe and Brandywine, for as you are all of the same Flesh and Blood, so we look upon you all to be equally intituled to our Love and Affection.

We now come to the last part of Sassoonan's Speech, which related to himself and his Children the Delawares only.

Brethren:

We should be glad to do every thing that is in our power to prevent your being ill used in your Trade with our People, and that you might have a good Price for your Skins, and the English Goods at a cheap Rate, but we cannot think it would answer your expectation to fix certain Prices for either Sort, since of each sort there may be several kinds, and the price should be given for them according to the goodness of Each. It is always found that the best way to carry on Trade is to leave it open and free, and then the Person that brings the best Goods and sells at the cheapest Price will gain the largest Trade. If our Traders do not bring you as good Goods of every sort, sell them at as low a Price, and give you as much for your Skins as those from any other Place, we must leave it to you to Trade where you can do it to your greater Advantage.

We cannot restrain our Inhabitants from killing Deer in the Woods; they are there wild, provided by God for the food of Man, but believe you might prevent it in a great Degree by refusing to have any sort of Trade with those litle Traders, that without any Authority from any Government take a few trifling Goods

and go into the Woods to sell them, and get a little more by killing some Deer themselves. Many of them would not think it worth their while to go only to Hunt without they made some small advantage of their trifling Cargo, which if they could not sell they would stay at home and till the Ground.

These Traders are very numerous and are under no sort of Security to act honestly in their Trade, and therefore on any Complaints being made of their ill Behaviour, as they are generally poor, they cannot make any Satisfaction; but if you would refuse to trade with any Person from this Province that has not a Lycence under the hand of the Governor and Seal of the Province, which give a Security for their good Behaviour to the Indians in their Trade, it would be of Service to you in your Trade, as upon any Complaint the Person who becomes Security would be Answerable, and it would prevent many of the others coming among you from killing your Game.

We have ordered your Hatchets and Guns to be mended as you desire; we accept your Present of One hundred and sixty Buckskins, and in return have ordered you the following Goods:

| | |
|----------------------------|-----------------------------|
| Two Pieces of Strouds, | Twelve pair of Stockings, |
| Two Pieces of Blankets, | Twelve pair of Bath-Metal |
| One Piece of Dussels, | Buckles, |
| Two Pieces of half Thicks, | Fifty pound of Tobacco, |
| Three Barrels of Gunpow- | Six Brass Kettles, |
| der. | Five Dozn. of Buckshorn |
| Five Hundredweight of | Knives, |
| Lead, | Twenty-four ruffled Shirts, |
| Nine Hatts, | One Dozen of Hoes, |
| Two Groce & I Dozn. of | One Dozen of Hatchets, |
| Three Dozn. of Tobacco | One Dozen Looking |
| Pipes with Box, | Glasses, |
| Three Guns, | Two Bear Skins, |
| Five Hundred Flints, | A Horse, Saddle, & Bridle |
| Tongs, | for Sassoonan. |
| Twelve pair of Shoes, | |

Brethren, the Mingoes—

By the Treaty we made with our Brethren of the Five Nations, We acknowledge ourselves under Engagements to have our Eyes and Ears open to whatever man concern them, and we shall always be ready to act up to these Engagements; but the present Warlike Preparations being made against Spain, a Nation with whom they have no Alliances, a warr with them can not affect their Interests; but as they are our very good Friends and Brethren, it may on that account administer some Pleasure to them to hear that His Majesty King George, to prosecute this Warr has fitted out several Fleets of very large Ships, with many Thousand Men and a great number of very heavy Cannon, and has already obtain'd considerable Advantage over his Enemy by destroying their Towns, demolishing their Forts, blocking up their Harbours, and preventing their Ships from carrying their Treasures out of America over the broad Seas; and we do not doubt but the King of Spain will be reduced to the necessity of Offering us a Peace on our own Terms.

The French are in Amity with us, and as long as they are at Peace with us you will continue to behave towards them as Allies and Brothers.

Brethren—the Mingoes:

We desire you will let the Five Nations know that Henry Webb, one of our Inhabitants at the Minisinks, was in May last barbarously Assaulted and Wounded by a Mohickon Indian named Awannameak, to that degree that tho' he was brought down immediately to this Town and put under the care of a skillfull Physician, yet he lay in exquisite pain for a long while, uncertain whether he would Live or Dye, byt by the care and skill of the Doctor, he is at length recovered, and notwithstanding all that could be done, he has lost his Jaw bone, and is in a great Measure disabled from doing any thing to support himself for the time to come

Awannameak, after he had committed this Villainous Act, immediately fled, and as soon as this piece of Wickedness, and his Flight, for it came to my Knowledge, I sent a Messenger in pursuit of him, with a Letter directed to the King or Chiefs of the Nations to whom Awannameak was Subject, demanding to have him immediately apprehended and delivered up, that he might be punished in case Henry Webb should Dye of the Wounds he received from him, or in case he should recover (which I heartily wished he might), that he might be obliged to make him Satisfaction besides paying all the charge of his Cure and Nursing and Keeping; And if he was not able of himself to do this, his Friends should help him and do it for him, till by his own Diligence in Hunting he could make Satisfaction to them.

This letter was first read to the Indians in Council at the Minisinks, who acquainted the Messenger that Awannameak belonged to the Mohickon Indians, and that their King, Menakickon, would write to the King of the Mohickon's, who liver near Esopus, to deliver the young Man up. On this the Messenger proceeded to Esopus, and taking some of the Magistrates of that Town with him, he went to the place where the Mohickon King lived, read my letter to him and demanded Awannameak to be delivered up. The King would say no more than that he was Sick and the Squaws were busy tending their Indian Corn, and as soon as that Work was over he would give me an Answer. But I have never heard from him since. This Conduct in a King who is one of the Tributaries of the Five Nations, is a direct Violation of the Treaties subsisting between them and us, and must needs bring a great Scandal on the Indians who have ever been deemed true to their Compacts, and strict Observers of the publick Faith. We therefore desire the Five Nations, whose Honor and faithful Observance of their Engage-

ments we have entertained an high Opinion of, will, in regard to their own Characters, interpose their Authority, nad not only take Notice of the failure of Duty in the Mohickon King, one of their Tributaries, but order Awannameak to be severely punished, and that he may make full Satisfaction to Henry Webb for the Pain he has suffered and the Losses he has sustained by this barbarous Assault.

To the Assembly Concerning the Servants Inlisted in the Troops and the Need for Supplies for the Levies.

GENTLEMEN:

As I am not conscious of having ever taken amiss any Application from the Representatives of the People, where such Language was used as became that Body to the Station I am in, or even such as becomes one Gentleman to another, so I can truly affirm, that no Man ever came to a Government with more sincere and disinterested Inclinations to promote the Honour of His Majesty, and to justify the Choice of your worthy Proprietors had made of me; or with a more determined Resolution to act with Justice and Affection impartially to all People of the different Persuasions under my Government.

I now find in myself the same Inclinations to gratify all such as apply to me for Redress, and I heartily wish the Application had been made to me sooner by you, which I wonder was not done, as you had received Petitions from such as thought themselves injured, or by the Masters of Servants; but I am now informed the latter were persuaded from it by the Bontefeux of the City, who have no other Way of making themselves

considerable but by stirring up the People to a Contempt or Neglect of their Governor.

Before I set out for Newcastle to meet the Assembly there, I had laid the King's Instructions before you; and I ordered the Officers to engage as many Freemen (and Freemen only) as they could, in His Majesty's Service, hoping the Assembly would have given a Bounty, as was done in other Governments, to raise a sufficient Number of such. Your House sat a whole Week after my Return, without making the least Complaint to me of the Officers having received Servants. Had you done it then, I might have interposed with Safety to the Inhabitants, and without Prejudice to the Service; but could I think myself justified in Discharging them now, after they have been qualified, by taking the Oaths directed by Act of Parliament, before the Magistrates, and have received the King's Subsistence from that Time to the 24th of this Month, I cannot persuade myself that it would be of any real Service to the Masters, or that it is possible for me to do it in any other Manner than what I mentioned in my last Message, so as to prevent Tumults, since it would be letting loose an incensed and disorderly People upon the Country, to their great Terror and Danger.

The Officers assure me that they will not enlist any Men which they either know or can be informed are Servants; and that they will discharge all they have as fast as Freemen come in, if they can be persuaded to return Home to their Masters, which they will use their utmost Endeavours to do.

I have more than once inform'd your House, besides laying Copies of the King's Instructions and Letters before you, that I was commanded to raise as many Men as I possibly could; and you very well knew, near a month ago, that I had given out Warrants to raise Seven Companies in this Government: and yet no Objection was made by you to the Number till a few days

ago, after the Seven Companies were all completed. If you will give yourselves Leisure to think, you must know, that since they are raised, it is no more in my Power to disband them without the King's Order, than it was in my Power to raise them without it.

I informed the Honble Colo. Blakeney early, that eight Gentlemen had undertaken to raise so many Companies, and that they had each made some progress in it; but that if no more than four Companies was expected from this Government, the Men raised by four of the Gentlemen must be disbanded. To which he was pleased to answer, in Substance, That as the eight Gentlemen had undertaken it in Pursuance of his Majesty's Instructions, I must give four of the Gentlemen Certificates of their having raised them, to intitle them to Commissions from Lord Cathcart; and that he would remit Money to me for their subsistence.

I can by no means agree with you, That the Circumstances of this Province will not allow you to make Provision for them; since no Government in North America has, I believe, at this Time so much Money in Bank, and that owing to the Grace and Favour of His Majesty.

Other Provinces have been so regardful of their own Welfare, and have behaved so dutifully to His Majesty. that I think we need not extend our Care for them at this Time. Have a due regard for your own, and reflect with the same concern that I do, on the Time and Money already spent in fruitless Messages, without doing any Thing for the King's Service; and then, since the Time presses, I hope you will make a better use of what is before you.

GEORGE THOMAS.

August 5, 1740.

By Command.

Pat. Baird, Secretary.

Further to the Assembly Concerning the Raising of
Troops and their Supplies.

GENTLEMEN:

So long as I had the least Hope of your doing any Thing in Compliance with His Majesty's Instructions, I thought myself obliged to do all in my power to perswade you to a just Sense of your Duty, but since you sent me your final Resolve at your last Parting, which to me appears an extraordinary one, for instead of drawing the Money out of the Loan Office, it was ordered out of an empty Treasury, the Order for the Payment of it was not to issue but upon such Conditions as could not be complied with by any Person in this Government; and that you might be sure no part of the Money (even suppose the Conditions could have been complied with) should be applied to the Service of the present Expedition, you have taken Care that your Trustees shall pay it to such uses only as His Majesty shall appoint; and as you well knew no Directions from His Majesty could be had in Time for appointing that Money to the use of the Expedition, you used much the like Caution to prevent its coming into His Majesty's Hands for any other use, by Resolving That if the King shall not give Directions concerning the Application and Disposal of the said Money in the Space of Nine Months, that then your Trustees are to pay the Money remaining in their Hands to the Treasurer of this Province, a Time for obtaining His Majesty's Orders to which no Merchant is limited, even for the Negotiating a common Bill of Exchange between London and America. But as you have not so much as mentioned my Name, nor the Name of any other Person who might acquaint His Majesty with your Resolution, and procure His Direction for the Application or Disposal of that Money, It must therefore remain as a

Proof of your Zeal for His Majesty's Service, and the great Regard you have shown for his Royal Instructions. I have, however, applied myself closely to making the necessary Provisions of Victuals and Transports for the Men raised here, that they may be ready to embark at the Time appointed; and tho' you have denied your Assistance, yet I have the Comfort to see others of His Majesty's loyal Subjects here not only express their Concern for your Mis-Conduct, lest the Expedition, so far as concerns this Province, should be retarded, but have generously offered to supply me with what was justly expected from you, and have agreed to trust to His Majesty's Justice for their being repaid. I must not, however, for the sake of Truth and my own Honour (tho' your sudden Adjournment without my Consent, and against my Instances, prevented me at your last Sitting), let your Message of the Eighth Instant pass unobserved.

If any Judgment is to be form'd of the Tempers and Dispositions of Men by their Writings, I fear the World will not entertain a very favourable Opinion of yours. In one Message you say, The Governor is pleased to assume to himself; In the last, When he might with equal Truth say any thing he pleases, If what the Governor informs us be true, Those Lawyers (if any such there be)—A Columny often heretofore objected, If the Governor can venture to affirm so freely, Some such like Misrepresentations as his own, &c. These are but a few of your Civilities; many more may be Collected out of this and other Messages, since you were urged by me to make a Provision for the Defence of the Province, for that was the Foundation of all your Opposition and Dislike to me. But as I have carefully avoided an Imitation of your Language hitherto, I hope no Provocation will ever induce me to return such to the Representatives of the People, or even to the meanest Inhabitants of the Province.

You are pleased to say, That the Scarcity of Labour, occasioned by enlisting Servants, and the Necessity of your Speaker's Absence, were the principal Motives for your Adjournment; and that these are omitted in the Reasons by me enumerated. Revise that Message, and you will be convinced that there is no mention made in it of the Scarcity of Labour by inlisting Servants. As for the necessity of your Speaker's Absence that could be no good Reason for Adjourning, when a Matter which so nearly concerned the King's Service lay before you, since you might have proceeded to the Choice of another, if the Bill in which you said you had made a considerable Progress could not have been finished in Time; for it would be thought no compliment to your House to suppose that there are not many Members in it fit to supply his Absence from the Chair. As a Probability of a peace was a Conclusion drawn in your House, as I was informed by a grave Member of it of the same persuasion with the present Majority, from a Report that the Duke of Argyle had laid down his places, and that Lord Cathcart had declined the Command of the Forces designed for the Expedition, it was truly said be me that the Rumour of a probability of a peace was in your House only, and that no one else heard any Thing of it.

Had any Acts of Parliaments, or Acts of the Assembly of this Province, prohibited the receiving Servants or Apprentices, not transported for Felony, into the King's Service, I presume I should have been made acquainted with them before this Time by the Person whose Duty it was so to do, after Application made to him by me for that purpose. As none such have been produced, I freely own to you that it did not appear reasonable to me that I should take upon me to determine that a Contract betwixt two Subjects should give one a Property (as you are pleased to call it) in the other, so as to destroy the King's Right of receiving

such into his Service as shall voluntarily offer themselves in a necessary War for the preservation of the Rights, Trade, and Navigation of His Subjects in general; and, therefore, I could not take upon me to give the Officers positive Orders to discharge Servants after they had inlisted themselves, taken the Oath's before the Magistrates, and received the King's Subsistence for some Weeks, before any application was made to me about them; but I chose rather to follow the Example of your House, and to leave the Point to be determined by Law, lest I should betray His Majesty's Right. However, tho' this was my Opinion, I gave the Officers, with their Warrants, Directions to receive none but Freemen, out of Regard to the Interest of the Inhabitants, in Hopes that the Companies might have been compleated with such, by a timely Encouragement from the Assembly; and I have since done all that could be done, consistent with the Good of the Service, for the Discharge of Servants.

So soon as I received His Majesty's Commands to communicate such Parts of his Instructions as related to the Assembly, I recommended the giving a Bounty, after the Examples of other Provinces, to encourage Freemen to inlist; and there was not one man inlisted 'till it was publicly known That you could not chearfully accede to the King's Measures, or appropriate Money to the Uses recommended in my Speech, which was in the very Words of His Majesty's Instructions.

The Treatment I have received from you ever since the Defence of the Province was recommended to you, was a sufficeint Warning to me not to propose any Thing of the like kind to an Assembly principled against Arms, without His Majesty's express Commands.

Notwithstanding your Assertion to the contrary, I am well informed that Servants have been received and detained in some Colonies, and that they were not re-

turned in others till the Assembly had given Encouragement to Freemen to inlist.

You are pleased to charge me with giving Encouragement to Servants to inlist, knowing them to be such; and for this, I am told, I have been tried and condemned by a Committee of your House. Where you had this Information I shall not trouble myself to inquire, since a great Number of Gentlemen, whose zeal for the King's service engaged them to accompany me the whole afternoon on which the Proclamation was made, will be so just as to give evidence of a quite contrary Behaviour, when it shall be thought necessary to call upon them; And if thro' any Familiarity or Condescension of mine, His Majesty's Subjects have been induced so cheerfully to inlist, I have Confidence that it will be rather an Honour than a Reproach to me, with all such as have any Concern for the Success of His Majesty's Arms or the Interests of the British Nation.

I am sorry to find that to use His Majesty's Name indecently, to calumniate me, and to treat the Magistracy with Contempt, is the Road to your Favour, or the Means to engage you to advocate the Cause of such as have been guilty of these things, or that it should be thought blame-worthy in me, after Information received, to call upon the principal Magistrates of the City, to make a proper Enquiry into the Matter, in the Presence of the Person charged, without taking any other Part in it myself. But I find the most impartial Behaviour may be misunderstood. Whatever Light, however, you may see this Matter in, One of the Parties was so conscious of his having done amiss, that both he and his Father (by a Gentlemen sent on Purpose) desired they might have Liberty to wait upon me, and that I would receive the Son's Submission. To which I answered, That he and some others had made Scandal so familiar to me, that I had learn'd to disregard it; but as to what related to His Majesty, the Duty of my Station would not allow me to pass it over.

As Acts preventing the importation of Felons had been in Force many years before I came to the Government, and it was not in my Power alone to repeal them, I never expected to have been made accessary to them by joining in the Appointment of an Officer which those Acts had made necessary. But you are pleased to say That a Bill passed the Assembly to repeal those Acts, and might have had my assent if I had thought it fitting, tho' you very well know that I return'd the Bill to you with only a few small amendments, to make it consistent with itself, and that you have declined the Consideration of those Amendments, tho' it appears by your own Minutes that a Day was appointed for that Purpose, or to make any farther Application to me on that Bill. Is this dealing ingeniously by me, or those that will be at the trouble of Reading your Message?

Every one that knows the present Circumstances of this Province must read with surprize your Description of the Calamities it labours under from the inlistering some Servants, since it is universally allowed that it never produced a greater Harvest, or that it was ever better got in; that your Trade never was in a more flourishing Condition, and that the War has been so far from doing you any Injury that it has been a Means to raise the Price of your Produce at Foreign Markets, and has advanced the Value of your Money by lowering the Rate of Exchange here; that altho' you have a considerable Sum in Bank you have not paid any Thing towards the Charge of the War, whilst Great Britain has granted Four Millions to His Majesty for carrying it on, notwithstanding the Load of Debt it labours under, and has suffered in its Trade and otherwise, tho' the wisest Precautions have been taken to prevent it.

As for what you call Reasoning, I shall content myself with leaving that to be judged of by all that have common Sense of the least Degree of Impartiality.

If your Principles will not allow you to pass a Bill for Establishing a Militia, if they will not allow you to secure the Navigation of the River by Building a Fort, if they will not allow you to provide Arms for the Defence of the Inhabitants, if they will not allow you to raise Men for His Majesty's Service, and on His Majesty's affectionate Application to you for distressing an insolent Enemy if they will not allow you to raise and appropriate Money to the uses recommended by His Majesty. is it a Calumny to say That your Principles are inconsistent with the Ends of Government at a Time when His Majesty is obliged to have Recourse to Arms, not only to protect the Trade of Great Britain and its Dominions, but likewise to obtain Redress for the Injuries done to His Subjects?

Whatever Name some of your Proprietors bear, they have truly the Honour of His Majesty and the British Nation as well as the Interest of this Province at Heart, and, therefore, instructed men long since to use my Endeavours with the Assembly to provide for its Defence; and tho' the Majority of your House oppose all these Things, I know there are some few of the same religious Perswasion in it, and many out of it, who dislike all your Proceedings.

It is not I that have attempted to divide you from your Friends in England, indeed your own Actions may do it; you have likewise divided yourselves from many of the Inhabitants here by Consultations, and by exerting yourselves in Consequence of them, publicly and avowedly, to obtain an uncommon Majority in this Assembly to oppose my Endeavours for the Security of this Part of His Majesty's Dominions. This is a fact so notorious that every Man that knows any Thing of what passes in the Province knows it; and that the Counsel of such, even of your own Persuasion, was despised, who warned you of the ill Consequences that would attend it, and advised you not to interrupt that

Harmony which had subsisted for many years betwixt the People of the different religious Societies here, reminding you at the same time of the Inconveniences which had attended such Distinctions formerly.

Your own Minutes will shew the rest.

As Servants cannot now be discharged, even supposing I had a Power so to do, without evident Danger of a Mutiny, and breaking all the Seven Companies raised in this Government, I shall willingly submit my Conduct and the Proceedings of your House to His Majesty. I am glad, however (tho' it be with a View of throwing the Blame upon me), to find that your House, who, upon the Seventh of July last could not preserve good Consciences and come into the Levying of Money and appropriating it to the uses recommended to you in my Speech, because it is repugnant to the religious Principles professed by the greater Number of the present Assembly, who are of the People called Quakers, can now fix the Number of Three Hundred to be a sufficient Proportion of Men for this Province; And that upon Condition the Servants are discharged, you are willing to give such a Sum of Money to the Crown as may be a fit Proportion to what is given by the neighbouring Colonies. And I hope, after this Declaration, you will not say, That I willingly mistake you when I understand the Money to be for the same uses. The making my Conduct, however, a pretence for refusing to comply with His Majesty's Instructions, cannot be looked upon as an Instance of Zeal in you; but as I am under no apprehensions about that, I am far from being intimidated by any Representation you can make, and shall proceed with all Diligence to discharge the Trust reposed in me.

GEORGE THOMAS.

Philada., Aug. 26th, 1740.

To the Assembly Concerning a Demand of the Crown
for an Account of the Bills of Credit and a Copy of
All the Laws of the Province.

GENTLEMEN:

You will observe by the additional Instruction which I have ordered to be laid before You, that their Excellencies the Lords Justices have signified to Me his Majestie's Commands "That I do take effectual Care that the Act of Parliament, passed in the sixth Year of her late Majesty, Queen Anne, entituled An Act for ascertaining the Rates of foreign Coins in her Majestie's Plantations in America, be punctually and bona fide observed and put in Execution according to the true intent & meaning thereof. And that whereas many and great Inconveniencies have arisen in some of his Majestie's Colonies & Plantations in America, by passing Laws for striking Bills of Credit and issuing out the same in lieu of Money, making it Obligatory on all persons to take such Bills in payment of Debts, dues, and Demands, whereby the aforementioned Act of the sixth of Queen Ann has been frustrated, and great discouragement has been brought on the Commerce of Great Britain by occasioning a Confusion in Dealings, and a lessening of Credit in these Parts, I am requested upon Pain of his Majesty's highest displeasure not to give my Assent to or pass any Act whereby Bills of Credit may be issued in Lieu of Money, without a Clause be inserted in such Act declaring that the same shall not take Effect until the said Act shall be approved by his Majesty, his Heirs or Successors."

The Right Honourable the Lords Commissions for Trade and Plantations, by their Letter to me, dated the 20th of May last, which I have likewise sent you for your perusal, have required, in pursuance of an Address of the House of Commons to his Majesty, and of his Majesty's Commands, "That I do immediately

prepare, and as soon as possible transmit to them, in order to be laid before the House of Commons at their next Meeting, an Account of the Tenour and Amount of the Bills of Credit which have been created and issued in this Government that are now outstanding, with the respective Times when such Bills so outstanding were issued, with the Amount of the said Bills in Money of Great Britain, both at the Time such Bills were issued and at the Time of preparing my account. I am, also, required send therewith my Opinion what will be the most easy & Effectual Manner of sinking and discharging all such Bills of Credit with the least Prejudice to the Inhabitants of this Government and interruption of the Commerce of Great Britain."

By their Lordship's Letter of the 21st of May last, I am further required, in pursuance of an address of the House of Commons, "To prepare forthwith a Compleat Collection of all the Laws which have been made and are now in force in this Government to this present Time, and to transmit the same to them with all Convenient Expedition."

As their Lordship's Letters did not come to my Hands till the latter end of November, I have not returned an Answer to them, but as they will expect it from me by the first Conveyance from hence, and I think it just that you should have an Opportunity of giving me your Sentiments in a Matter which so greatly concerns the Trade and Interests of this Province, so I cannot doubt but you will immediately prepare the accounts required, as well as lay before me your Opinion, which will be the most easy and effectual Manner of sinking and discharging your Bills of Credit agreeable to the ends proposed.

A Transcript of the Laws of this Government will be a work of Time & Expence, but their Lordship's will

expect to hear that proper Orders are given for transcribing them with all possible Dispatch.

GEO. THOMAS.

Jaury. 6, 1741.

By His Honour's Command.

Pat. Baird, Secry.

To the Assembly Recommending the Stopping of the
Exportation of Wheat.

GENTLEMEN:

Upon information some time ago received from Admiral Vernon, that one Spanish & two French Squadrons were arrived in the West Indies, and that they depended upon being supplied with Provisions from the Northern Colonies, either directly to the French Islands or by the Way of St Eustatia & Curra-coa; And upon repeated advices from London that an Embargo was laid on all sort of Provisions in Great Britain and Ireland, and that a Bill to prohibit the Exprotation of them to foreign Ports from any of his Majestie's Dominions, as well in America as Europe. was then under the Consideration of Parliament, It was by myself and Council Judged for the King's service to limit the Exportation of Provisions from this Province to the Ports in his Majestie's Dominions. And I have the Satisfaction to find by an Order I have since read from their Excellency's the Lords Justice (which by various accidents was long before it came to my hands), that what has been done here exactly agreed with his Majestie's Intentions.

As Great Quantities of Wheat have been exported many Vessels are now Loading with Wheat, and many more are daily expected on. The same Design, and as

by much the greatest part of the Old Crop is said to have been already Shipt off, and the Crop now upon the Ground very much injured by the late severe Drought, from whence it is apprehended that not only the King's forces in America but even our own Inhabitants may be distressed, I recommend to your immediate Consideration whether it will not be prudent to put a Stop to the further Exportation of Wheat for a Time to be limited.

May 26th, 1741.

To the Assembly Concerning The Governor's Care for
the Welfare of the Province.

GENTLEMEN:

It is very fortunate for me and all the Governors upon the Continent that the Measures taken to prevent a Supply of Provisions from being carried to the Enemy have been supported by the King's pleasure and an Act of Parliament *ex post facto*, for otherwise I find that Restraint, how necessary soever, might have been deem'd, neither expedient nor lawful. Whenever an extraordinary Case shall make an Extraordinary Use of power necessary, I hope I shall upon every such Occasion govern my self so that I shall be able to render to his Majesty a good account of my conduct; And as the Council have a considerable Property in the Province, it is not to be conceived that Pretences or Plausible Appearances will prevail upon them to join in any act injurious to the Inhabitants of the Country.

He knows little of Government or of the World who expects Gratitude from all sorts of Men. It is my Happiness that his Majesty have been graciously pleased to signify his approbation of my Zeal & Diligence for his

service; And as my Actions both in Public and Private Life have been the result of an Honest Heart and a Zeal for the Glory of the King and by the British Name, I doubt not of their being spoken of with Honour by those whose good Opinion is to be valued.

GEO. THOMAS.

June 3d, 1741.

To the Assembly Suggesting Action in Connection
with Spanish Privateers.

GENTLEMEN:

As we have received very certain Information from New York, & from several Seaman who travelled to this City after having been taken Prisoners by a Spanish Privateer Off the Capes of Virginia, and see on Shore at Sandy Hook, That four Privateers were fitted out of the Savannah in the beginning of April last, to Cruise upon this Coast, That one of them had taken five Vessels between the 6th & 13th of last Month, and We are this Day informed that two more of them have chased several Vessels bound to this Port, and drove One on Shoar a few Days ago near Egg Harbour, belonging to some Merchants of this City, I recommend it to your Consideration whether it will not be very disreputable to this Province, as well as disadvantageous to the Trade of it, to remain inactive, When Boston, Rhode Island, & New York, are fitting out Vessels of fforce to secure their Navigation by attacking the Enemy. The like good Disposition is not wanting in several of the Considerable Inhabitants here, nor a Number of Seamen sufficient to Engage in such an Enterprise; But the former with Reason say, as it will be for the Publick Benefit that it ought to be undertaken at the Publick Expence, and as the

Latter are not to expect any Plunder of value, they will Expect a Reward for each Man they Kill or take (besides the Reward allowed by a late Act of Parliament), as well as some Provision for the ffamilys of such as shall be killed or disabled in any Action that may happen.

GEO. THOMAS.

3d June, 1741.

Proclamation for Encouraging Men to Enlist in His Majesty's Service on the Expedition against the Spanish West Indies.

BY THE HONOURABLE GEORGE THOMAS,
Esqr., Lieutenant Governor & Commander in
Chief of the Province of Pennsylvania & Counties
of Newcastle, Kent, & Sussex, on Delaware.

"A PROCLAMATION.



Whereas, his Majesty has been pleased to signify his Royal Pleasure by his Grace the Duke of Newcastle, his Majesty's principal Secretary of State, that in Case the Commander-in-Chief of his Majesty's Land forces in America should send to Me for any Number of Men for Recruits or for any other Service, that I should endeavour to raise them accordingly, and take Care that they be transported to such place and at such Time as shall be appointed.

And Whereas, Brigadier General Wentworth, in obedience to his Majesty's Commands, hath, by his Letter dated at the Island of Cuba the twelfth Day of August last, acquainted me that he hath appointed Capt. William Hopkins to repair to this Province to Levy Soldiers to Compleat the American Regiment, and to form another Battalion if it shall be found best for

the King's Service; And Whereas, his Majesty's Forces are already in Possession of a part of Cuba, the most fruitful & healthful Island in the West Indies, and are daily extending their Conquests, I do with the advice of the Council issue this Proclamation, Promising in his Majesty's Name that all such Person as shall Enlist on this Occasion shall have the same allowance of pay & subsistence, Cloaths & Arms, as were given to the Men that were first raised, and shall have a Share of the Lands & Settlements taken from the Enemy in Preference to all others that shall not Engage in the Expedition, unless they shall Chuse (which is very improbable) to return hither, in which Case they are to have free Leave, and are to be transported at his Majesty's Expence, retaining their Arms & Cloathing. Given under my Hand & the Great Seal of the Province of Pennsylvania, at Philadelphia, the twenty eighth day of September, in the fifteenth Year of his Majesty's Reign, and of Our Lord Christ one thousand seven hundred & forty one.

GEORGE THOMAS.

By Command.

Pat. Baird, Secry.

GOD SAVE THE KING.

To the Assembly with regard to the Provision of Suitable Quarters for Immigrants to the Province.

GENTLEMEN:

Several of the most substantial Germans now Inhabitants of this Province, have joined in a Petition to me, setting forth in Substance, That for want of a Convenient House for the reception of such of their Countrymen as, on their Arrival here, laboured under Diseases Contracted in a long Voyage, they were

obliged to continue on board the Ships which brought them, where they could not get either Attendance or Conveniences suitable to their Condition from whence many have lost their Lives; And praying that I would recommend to the Assembly the Erecting of a proper Building at the public Expence, not only to accomodate such as shall arrive hereafter under the same Circumstances, but to prevent the future Importation of Diseases into this City, which has more than once felt the fatal Effects of them.

The numbers of People which I observed came into this Province from Ireland Germany, pointed out to me the necessity of an Hospital or Pest-House, soon after my Arrival here; And in 1738 I recommended it to the Assembly of that year, who seemed so far from disapproving it that they gave me hopes of building one so soon as the Circumstances of the Province should admit. I very heartily wish for the sake of such ffamilys, Inhabitants of this City, as suffered in the late Mortality by the Loss of some who were their Chief Support, and will therefore feel it for Years to come, and on Account of the Irish & German Strangers, that it had indeed been done so soon as the Circumstances of the Province did admit of it. But as it can profit nothing to bewail Evils past, I hope you will now make the proper Use of them by doing all in your Power to Prevent the like for the time to come.

I am not insensible that some look with jealous Eyes upon the yearly concourse of Germans to this Province, but the Parliament of Great Britain see it in a different Light, and have therefore given great Encouragement by a late Act to all such foreign Protestants as shall settle in his Majesty's Dominions; And indeed every Man who well Considers this Matter must allow that every industrious Labourer from Europe is a real addition to the wealth of this Province, and that the Labour

of every foreigner in particular is almost so much clear Gain to our Mother Country.

I hope I need not take up more of your or my own Time to convince you that what is now again recommended is both for the interest of the Province and the Health of this City. Evils felt are the most convincing Arguments. I shall only add, that as Christians and indeed as Men, we are obliged to make a Charitable Provision for the sick Stranger, and not by Confining him to a Ship inhumanly expose him to fresh Miserys when he hopes that his Sufferings are soon to be mitigated. Nothing but the building an Hospital or Pest-House in a proper situation can, in my Opinion, be a suitable Charity or an Effectual security for the future, more especially as the Country people are grown so apprehensive of the Disease that they will not be perswaded to admit the infected into their Houses.

GEO. THOMAS.

Janry. 5th, 1741.

Further to the Assembly Concerning the Provision of Proper Quarters for German Immigrants.

GENTLEMEN:

I am not a little pleased to find by your Message of Yesterday that you agree to the necessity of building a Pest-house for the reception of Sick strangers, and to prevent the Spreading of infectious Diseases they may happen to have Contracted in their Voyage hither, and I cannot allow myself to doubt of your taking speedy & proper Means for the Completion of so charitable a Work.

Whilst the German petitioners complain that many have lost their Lives by being confined to the ships,

you express your Dissatisfaction that the Laws have not been Executed; that is, I suppose, that sick passengers were not confined to the Ships. A former Assembly, however, composed of many of the same Members with the present, after the very same Measures taken as to me, were pleased to tell me in their address "That they had a grateful sense of my Care in putting in Execution the Law for preventing sickly vessels coming into this Governmt. But all I say or do now must be wrong. The Resolutions of the last Assembly on this Matter sufficiently explain to me what is mean by "taking another occasion to consider at whose Door the late Sickness in Philadelphia ought to lie." I shall be glad to see your attempt to justify what was insinuated & assumed in those Resolves; Accusations & Complaints are no new things to me, but thanks to my Integrity they have been so far from doing me a prejudice that they have shown me to his Majesty & his Ministers in a Light more advantageous than I could have otherwise expected; for this favor tho' not designed as such, Gentlemen, I thank you.

If I do not strictly adhere to form in imputing to you what was done by the two preceeding Assembly's I hope you will excuse me, for as you are nine in ten of you the same Members, I know not yet how to separate your actions from your Persons.

I cannot but differ with you (which I am sorry is too often the Case) in the State of the Public Treasury since 1738, for the Public accounts in my Opinion shew that the Province has at no point of Time since been unable to Erect the proposed Building; you have, I confess, been at some unusual Expence, but I cannot call it great as you do, since £1,500 out of the £2,500 said to be Expended has been stopt out of my support. I know of no other call Upon the Province since for an Unusual Expence. If you have generously and out of Compassion for the Sufferings of your fellow-Sub-

jects in Britain remitted £3,000 to your Agent for their Relief, I conclude you were well able to spare it, And that otherwise you would not have done it.

Either the Memory's of some of your Body who were Members in 1738, must have failed them very much, or their Sentiments of the Importation of fforeigners are, for very Substantial Reasons, much alter'd; ffor, not to dwell upon a small Instance of the assembly's Displeasure to me at that Time for saying a little too much of the Industry of the Germans, I refer you to your Minutes for the Assembly's address to the Proprietor in 1738, to convince you that what I said of their having been looked upon with Jealous Eyes by some, was not altogether without foundation. What follows may be found in that address.

And this House will, in a proper Time, readily join with the Governor in any Act that may be judged necessary, as well for protecting their property of the Proprietors and others from such unjust Intrusions for the future and for preservation of the peace of the Government, as for Guarding against the Dangers which may arise from the great & frequent Importation of fforeigners.

GEO. THOMAS.

January 8th, 1741.

Defence against Certain Reflexions by the Assembly
against the Governor.

GENTLEMEN:

Had the Publick Interest been concerned when sent me your Resolution to adjourn to the 17th Instant, I should have insisted upon or at least desired your sitting some time longer for my Answer to the written Message which was then delivered me, however

doubtful I had reason to be of obtaining that *Favour*, since it had been denied when a Matter recommended by his Majesty himself was under Consideration. But as that Message contained little more than a repetition of your former *Civilities*, or was but another Instance of the *Sincerity* of your Professions for restoring the Peace of the Province, I was not willing to increase the Public Expense on Account of a matter purely Personal, and which I was no ways apprehensive could affect me in the Opinion of any impartial observer upon my Conduct.

As a Committee of the Council appointed to Consider the Report of a Committee of your House on the proceedings of the late and present Assembly relating to unhealthy Vessels, have fully answered all that has been objected in that Report; it is needless for me to say much upon that Subject; Wherefore, in imitation of that nice *Decorum* observed by you in a Verbal Message at the time of your adjournment, *I refer you to the Clerk of the Council for a Copy of that Report, if you are desirous of seeing it*; But as the House has Resolved, "That for the Governor & Council to draw in Question, arraign & Censure the Proceedings of the Representatives of the freemen of this Province in Assembly met after the adjournment of such Assembly, is Assuming to themselves a Power the Law hath not entrusted them with, is illegal and unwarrantable, a high breach of their Privileges, and of dangerous example." It may not be improper to observe, That when the Resolves of an Assembly are to be received as Laws, we must Submit not only to this, but to all such as they shall think fit to make; but as this is not the Case yet, nor will be until the Assembly have seized all the Powers of Government into their own hands, you must excuse me if I insist upon seeing the Law which impowers an Assembly to supersede the Governor's appointment, or to transfer a Power vested by Law in

the Governor & Council to any other Magistrates, And I promise You when that is produced to show you another to support the Governor & Council's Right to *arraign and Censure the Proceedings of the Assembly after their adjournment.* At present I am so far from agreeing that it is a Breach of the Privileges of the House of Representatives, that I think it would have been Criminal not to have censured those unprecedented proceedings, as it would have been a Submission to an Usurpation of very *dangerous Example.* Had that Assembly, however, sent me their Resolves whilst they were sitting, I should indeed have thought that the properest Time for animadverting upon them, but as they were secreted for some Time, and not delivered to the Mayor of this City until several Days after their adjournment, And as there was no likelihood of that Assembly's sitting again, it was thought necessary to nip such an Extravagant production in the Bud, least the *Privilege* of issuing Edicts and appointing all Public Officers should be engrafted upon it by some future Assembly as enterprising as the Last. To conclude all upon this Subject, I think it might with more Justice be resolved by my self and Council that for the Assembly to supersede the Governor and Council's appointment of a Doctor to visit unhealthy Vessels, and to transfer a Power vested by Law in the Governor & Councils to other Persons by a bare vote of their House, & even without the Privity of the Governour & Council, and to require Obedience to such Vote or Resolve by serving it upon the Mayor of this City *After the Adjournment of that House, is assuming to themselves a Power the Law hath not entrusted them with, is illegal & unwarrantable, an high Invasion of the Powers of Government, & Of very dangerous Example.*

To add any thing in Proof of the Jealousy entertained of the Germans is almost as unnecessary as to Spend Time in proving that the sun Shines in a clear Day.

The uneasiness of many of those who deny the lawfulness of Arms at the Importation of foreigners bred up to the Use of them, is so generally known that the disputing it would be matter of as general Wonder, were not the reasons for it well understood. The Germans have been of Service to you in some late Elections, and are so numerous that it is now become necessary to count them to Chuse you again. The Act, however, for laying a Duty of 40 Shillings P. Head in 1729, to discourage the Importation of foreigners, will be a lasting Memorial of that Jealousy; And although you have laboured hard to explain away that part of the Address to the Proprietor which was quoted in my last Message, as the Germans were not the People complained of for having unwarrantably settled themselves upon the Proprietors Lands, the Voluntary Engagements to guard against the Dangers *which may arise from the great & frequent Importation of Foreigners* will be considered by all who know anything of that Matter to have been the Effect of fear and Jealousy of them, and of Resentment against Me for my just tho' unacceptable Commendation of the Industry of those People. That the Proprietor saw it in the same Light is evident from his answer, which is general, and does not take the least Notice of the *Danger* apprehended from the *Importation of Foreigners*.

As to the Gentlemen *now no Members of your House* (which they think a peculiar Happiness, as not being Chargeable with you Proceedings) some of you cannot be Ignorant, notwithstanding what is insinuated in your last Message, that they oppos'd that part of the address relating to foreigners, as they had before everything that tendered to Clog the Importation of them; but they were borne down by the Stream, and altho' you may not be willing to allow them the Merit of having acted with a view to the Publick good, You must own this was most agreeable to their private In-

terests, as they had more land to dispose of than all the other Members of that Assembly. With these Gentlemen I confess I have lived *in Confidence*, and as they carried on the Publick affairs with Reputation, and were the Leaders of some that are now Yours, You ought to be the last to object to that Confidence: If it be criminal in them & their friends to have since supplied me with Money after the Assembly had declared that they *could not cheerfully accede to the Measures recommended by his Majesty, or come into the levying of Money & Appropriating it* for obtaining Satisfaction for national Injuries and Affronts, from whence his Majesty would have been disappointed of the Assistance expected from this Province, you may with some Justice reproach me with that Confidence; but if this be praiseworthy, my Confidence has been well placed, and their friendship is an Honour to me.

That you may not give Occasion to charge you with a Deviation from your wonted Good Nature, you have been pleased to tell Me that *Accusations and Complaints ought not to be new Things to me, whilst the Causes of them Remain*—this is taking a thing for granted which ought to have been first proved. Taking it for granted that a Man has committed a felonious Act, he may be pronounced to have deserved Punishment; but if the Accusation be false, it will be a full proof of the wickedness & Malice of the accuser, but cannot in Justice affect the reputation of the Person accused. The Assembly transmitted an Accusation against me, by way of Petition, to his Majesty in Council, and the poor Man you call your Agent ran about with it to several of the most Eminent Council in England, but being told that it could not be Expected His Majesty should censure a Governor for a Punctual Obedience to his Commands in a matter of the Highest Concernment to the Nation, And being unable to prevail with any one of them to appear in support of that Peti-

tion, he thought it best to decline a Publick Examination into the Matter, lest the Behaviour of his Employers should appear to merit that Censure which they had kindly meditated for their Governor.

If his Majesty, after my Letters relating to the Expedition and a Copy of the Assembly's proceedings had been laid before him, vouchsafed to signify his Approbation of my Conduct on that occasion, And that this appears by his Grace the Duke of Newcastle's Letter communicated by me to the Council, it is as Evident *that the Applause*, as you call it, *is not of my own bestowing*, as it is that your Language & Behaviour shew a Contempt of his Majesty's Sentiments, as well as a Departure from the Decencys observ'd by all other Public Bodys towards persons in Authority; That *you have no other Credetials but my own* is by no means to be wondered at, since his Majesty has not yet Commanded his Minsters to hold Correspondence with you, nor was it for your Agent's interest to inform you of a thing so disagreeable to you as the King's approbation of my Conduct, neither is he indeed of Consequence enough to have come at the Knowledge of it otherwise than by Corrupting some inferior Clerk of an Office.

After you have thus Civilly called me an Imposter in bestowing upon myself an Approbation which you insinuate the King never gave, you go on to Impeach my Integrity in clandestinely Attempting to deprive You of those religious & Civil Liberties which I had solemnly promised to support. If you mean by this that I did very fully represent the abuse of those religious & Civil Liberties, as well in regard to the defenceless Condition of this province as to the King's Instructions laid before the Assembly, relating to the Expedition, and that I did at the same Time shew in the clearest Manner I was able how the King's Honour and the Interests of our Mother Country may in future Times be affected by the like rash & undutiful proceedings, it is,

in my Opinion, so far from being an Instance of my want of Integrity, that I glory in having preferr'd Obedience to *His Majesty's Commands to give his Ministers a Particular Account of all my Transactions upon that Occasion*, to the private Advantages which would have attended my acting a different part. And further, if Resentment for imaginary injuries, or even an opposition to your Sentiments, can be justified by your Example, that surely will be an ample Justification of me where the injuries were real & without provocation. The Assembly, laying aside Truth and good Manners, first publickly defamed me in their Messages, they stopt my Salary, they petitioned the King against me, and they employ'd Men (some of them without shame or Common Honesty) to procure the Depositions of Blacksmiths' Boys and such like rabble to support it, and then clandestinely transmitted them to England without ever doing me the Justice due even to a Criminal of seeing or hearing the Charge or the Evidence. But if resentment is not to be justified in any Case, no reasonable Man will blame a Conduct that was rendred *Necessray* to guard myself against a Stab in the Dark, which was intended both to blast my Character and to ruin my fortune. The freemen of the Province will judge well and honestly when they are left to their own Judgments, but to prejudice them against me the Seeds of Dissention have been plentifully sown, and carefully nourished by the grosest Misrepresentations and falsehoods. When a Petition has failed, a Representation or more properly a new Calumny has been projected to amuse them, and the Craftsmen have proclaimed aloud that their privileges were in Danger; many, notwithstanding, have been too cautious and too wise to be caught with such Baits; And I make nodoubt of living, by the Blessing of God upon my honest Intentions, to see all *Honest* Men made sensible that Danger to their Religious & Civil Liberties must arise from the

Malice and self-interested Designs of these or such like Men; you cannot be Ignorant that the last Assembly have been charged with another piece of Art in the Distribution of the Public Money, by the Partiality shewn in paying the Masters of such Servants as enlisted themselves in the King's Service upon the Expedition, not according to their value but the Masters approbation or Disapprobation of that Assembly's proceedings. You have it in your power to confute this Aspersion, if it be one, by publishing an Exact List of the Names of such Servants, in what Company they enlisted, their Masters Names, their Trades, the Dates of their Several Indentures, the Time each Man had to serve, & the particular Sums paid.

In my last Message I said that £1,500 of the £2,500 paid for Servants had been Stopt out of my Support. In answer to which you tell me *I may remember that since my accession to the Government I have received divers Sums of Money arising by Fines, Forfeitures, licensing Publick Houses, & other Perquisites of Government, amounting from the best Judgment you can form to near one thousands Pounds P. Ann., which is double the yearly Salary some of your former Governor's received*, and then according to your accustomed Charity you represent me to the World as a public Robber by adding '*Some of which you have no right to.*'

Whoever considers what was alledged by me, that you had stopt £1,500 of my support, will see that this is an Answer as much to the purpose as if you had given me an Account of the last Year's Clouds. Wherefore, were it not that my Character is again Struck at, I should think it mispending Time to make any other Reply to it than that most of the members of the present Assembly have received double the Wages that former Members received in the like time, without doing one Single Act in two Years and a-half for the

Public Service. But before I proceed to a vindication of my self give me leave to say that you would have shewn more Exactness if you had distinguished betwixt the perquisites of this Government & those of the Lower Counties, for I conceive you have no more to do with what relates to that Government than you have with the Income of my own Private Estate. To that Assembly & their Constituents I am pleased with every opportunity of making my Acknowledgements for the Provision they have annually made for my support, but more particularly for the Justice they have done to my Administration; for from hence it will be concluded by all unprejudiced Persons that the Names of Imposter, Plundered, Invader of the Liberties of the People, &c., &c., &c., are the result of personal prejudice or of a Malignant party Spirit.

- I forgive this Digression if your ever do forgive the Man that tells you disagreeable Truths, and I will return to the point and own to you that the Perquisites of this Province have amounted to between 6 & £700 P. Ann., one year with another. And that I may do you some pleasure, I will own to you likewise that I have spent above £1,000 more than ever I received from both Governments in supporting the Character of a Governor which I was weak enough to think would be a Reputation to this Government in particular. This you say is double the yearly Salary some of your former Govereners received, Altho' by the way I have received no Salary at all from you for two years past, altho' the two last Governors, Sir William Keith & Major Gordan, received the same perquisites and £1,000 P. Ann. Salary besides. I Expect you will answer that as the number of people is increased the perquisites must have done so in proportion, but it would be an Affront to your Arithmetick to suppose any of you can really think that 6 or £700 P. Ann. perquisites is equal to £1,000 salary per Ann., & the perquisites of those Times.

too, or that the difference of perquisites is more than equivalent to 20 or 30 P. Cent. difference of Exchange, and as much in the price of all sorts of provisions.

To shew, however, your Skill in accounting for this prodigious Income of mine, you tell me how it has arisen by fines, forfeitures, &c.; for fines & forfeitures I have not received ten pounds a Year, one Year with another; in this Government fines have generally fallen upon necessitous people, and I thank God I have always had humanity enough to remit them rather than suffer such as were really so to languish in a Gaol and remain a Burthen upon the Counties.

I come now to your grand Charge, the taking Money *to which I have no right*, and I shall give you a full answer to it, tho' it is far from my intention to acquiesce under your determination, either as to my own Right or the Rights of my Successors. The Charge it self must indeed appear to every impartial person to be the Effect of Disappointment in your attempts to reduce me to such a Compliance with your pleasure as would be a Scandal to my Station, and and which I could never be so mean as to Submit to, tho' you had it as much in your power to wrest the perquisites of the Government out of my Hands as you have had to stop my Salary.

As to the fees taken by my Secretary for my Use, they are the same that have been taken for above twenty Years by my predecessors Sr. William Keith, Major Gordon, & Mr. President Logan; and are either of Right by Acts of Assembly or are countenanced by the practice of most other Governments in America, from whence the Governor's Right to them here has never been questioned by any former Assemblys of as much Zeal for the publick Good and of Knowledge at least equal to the present. I have made it a Rule not to exceed in any one Instance, and have always refused fees for Business done if not included in the List of

ffees delivered to me by the late Governor's Secretary. I have never taken, directly nor indirectly, either myself or by any other person, any Sum or Sums of Money, or the value of Money, by way of Present, Gratuity, or in any other Way whatsoever for Charters, Commissions, or any Offices of profit, althought Money has been offered and the Example of other Governor's urged for my taking it. I rejected such Offers least the taking Money should prove an encouragement for Extortion, and disarm me from punishing the Crime as it deserves. And now I defie my most inveterate Enemies to prove one single Act of Corruption upon me in an administration of four Years.

After you have charged me with taking what I have no right to, you cannot justly be offended if I ask, What right have you to take your Wages out of the Publick Money in direct Opposition to a known Law of the Province, ordering the payment of them in another Manner. This, perhaps, does not appear to some to be a matter of much Consequence, but if well considered is of the most dangerous; for if you have power to dispense with one Law by a resolve or Order of your House, you have power to dispense with all Laws. If you can alter the Mode of payment by Vote, you may encrease the Sum, and instead of six Shillings a Day you may take six Pounds, or what you Please; And if you can by Vote revive the Act for the payment of Assembly Men's Wages out of the Interest Money arising from the Loan Office, which was but Temporary and has been long since expired, you may impose what you please as Laws upon your fellow-Subjects; and by thus Assuming to your Selves the whole Legislative Power, their Lives, Liberties, and Properties will be dependent upon your Sovereign Will and Pleasure.

Thus much I have thought proper to say in Answer to your last Message. To follow you thro' all your Doublings would be a work of great Labour, and does

not appear to me any ways necessary for the Publick service. I proceed, therefore, to recommend to you a dispassionate review of the proceedings of Assembly for more than two Years past, and then I shall be glad to know what mightly advantages have been gained for the People you represent. Has the publick Money been saved by refusing to grant three or at most four thousand Pounds to encourage freemen to Enlist in the King's Service and to transport the Troops raised for the Expedition, and instead of this expending near Eight thousand Pounds in paying for Servants (which a small Bounty would have prevented) in long Sittings, and in numerous Committees for drawing petitions, representations, & Messages, in the Salaries and Expences of an Agent, an Agent Assistant, and in fees to Lawyers, and lastly, in a Grant made out of Time unprecedented and thought by many to be illegal? Has the Honour of the Province been advanced, or the favour of the Crown or our Mother Country been engaged against an approaching time of need by the distinguishing Behaviour of the Assembly here from all others in America? Have the odious insinuations & bitter invectives thrown out against me been of Use to convince the World of your meekness & moderation, or have they been for the reputation of the religious Society of which you call your selves Members? Perhaps you will say it is enough to have opposed a designing, arbitrary Governor, but this will be only calling Names without any proof of my being such a Person. If I know any thing of my self, I am as much a friend to Liberty as the most Zealous Assertor of it in the place, tho' I differ from some in thinking that the best way to preserve it is to use it with discretion & reverence to the Crown, and not to break down the Boundaries between the Rights of the Government and the Rights of the People. A people may grow wanton with Liberty, and History furnishes us with Instances of some that have lost it

by an abuse of it. I sincerely wish this may never be your Case.

I pretend not to infallibility, but if I have committed faults in the Administration of the Public Affairs, they have been the faults of my Judgment and not of my Will. My Adversaries, however, after all their Pains had not been so lucky as to hit upon one. That I have Enemies is no Proof of my Demerit, for the best Princes and the best Governors in all Ages and in all Countries have had their Revilers, and it will be so until all Men shall be brought to think and Act upon the same Principles. I have not the vanity to rank my self amongst the best Governors, because to render a Man such requires greater Talents than I possess. But it will not be Vanity in me to say that I have clean Hands & an Honest Heart: from hence I can with Confidence Ask, Have I invaded any man's Property? Have illegally deprived any Man of his Liberty? Have I refused Mercy where Mercy could be shewn without prejudice to the Society, or have I withheld the Sword where the Publick Safety required it should be used for the Punishment of Evil Doers? My Crimes, my only Crimes, are that I have refused to put on the Leading Strings which some Men were vain enough to have prepared for me, and that I have removed those from Places whose Behaviour had rendred them unworthy of the Trust committed to them.

GEO. THOMAS.

May 18th, 1742.

Further Remarks to the Assembly Concerning Its
Attitude toward the Governor.

GENTLEMEN:

Whilst You continue to misrepresent me to the World in your Messages, and to pursue me with Accusations injurious to my Honour, you ought

to excuse me if I take a reasonable Time for my own Vindication, preferable to any Business You have laid before me, lest Silence should be construed into a Confession of the Matters You have charged me with. For the present give me leave to say, that whatever harsh Constructions you put upon my Actions, the Honble Proprietors to whom you have appeal, have, after the most impartial review of your & my Conduct, been pleased to do me ample Justice. I can truly say that I have done all in my Power for the Security and Welfare of His Majestie's Subjects under my Care, nor do I now think the Treatment I have met with (how much Reason soever I may have to complain of it) can in any Degree discharge me from the Obligations I am under to promote their ease and Happiness. The Bills you have laid before me I suppose You judge necessary for these Ends, and as such they will not fail of having their due Weight and Influence with me; Wherefore, I shall keep these and any others You shall think to present to me under Advisement, until I see what Resolutions You shall come to for restoring the Publick Peace, Honour, and Justice. If You fully do your Duty, nothing shall be want on my part to render them effectual here and agreeable to our Superiours in England.

GEO. THOMAS.

May 28th, 1742.

Speech to the Chiefs of the Six Nations.

BRETHREN:

The proprietor having purchased certain Lands from your Nations about Six Years ago, A Moiety of what was agreed to be given in Consideration of that Purchase was at that Time delivered to them, and the

other being at their own desire left in the Proprietor's Hands, he press'd you by Shick Calamy to send last Year for it, and would have been glad to have seen You and taken You by the Hand before his Departure; But as the Design of this Meeting is to hear Your News and converse together in a free & friendly Manner, I shall say no more about the Goods than that they lye ready at the Proprietor's House, and will be delivered when you shall have sufficiently rested from the fatigue of your Journey.

Brethren:

I thank you for this piece of News. You have taken this matter perfectly right. All bargaining for Land within this Province is to be sure a manifest breach of your Contract with the Proprietors, and what we know you will not countenance. We have hitherto found the six Nations faithful to their Engagements and this is a fresh Instance of their Punctuality. You could not help these mistakes of your Young Men—they were not done in your presence; but as several Inconveniences may arise from these kind of Clandestine Sales, or from any such loose Sales of Land by your People, we desire you will on your Return home give public notice to all your Warriours not to bargain for any Land, or if they do that you will not confirm such Bargains. And that this very Affairs, with what you have done therein, may be particularly reported to all your Nation assembled in Council.

Brethren of the Six Nations:

I shall take this Opportunity to relate to you a piece of disagreeable News I received some Days ago in a Letter from Le Tort, the Indian Trader at Alligheny, who says that in May last some Indians of the Taway Nation, supposed by Us to be ye Twightways, in their Return from War called and stay'd some Time with the Shawonese, who being asked and denying they had

brought either Scalps or Prisoners, the Shawonese suspecting them had the Curiosity to search their Bags, and finding two Scalps in them that, by the Softness of the Hair, did not feel like Indian Scalps, they wash'd them clean and found them to be the Scalps of some Christians. On this Discovery the Twightwys were so much ashamed that they stole away in the Night Time, and coming, as they afterwards understood, to a little Village belonging to the Shawonese, they told our People that their Hearts were full of Grief, for as they came along the Road they found it all Bloody, and having good Cause to believe it was made Bloody with the Blood of some of the white Brethren, they had very sorrowfully swept the Road, and desired them to inform the Governor of Pennsylv. of their (the Twightwys) Grief, and how they had swept the Road clean. Le Tort adds on behalf of the Shawonese, that they were much troubled and grieved at this unfortunate Accident, and Pray'd, as they had no concern in it more than by being Instruments to discover it, their Brethren would not blame them, nor suffer a Misunderstanding to arise between them on this Account; they would sweep the Road clean and wipe all the Blood away, and desired their Brethren would be satisfied with this, and not weep too Much for a Misfortune that might not happen again as long as the Sun & Moon shone.

The Person who delivered me Le Tort's Letter brought this bundle of Skins As a present to me, but I told the Messenger I would not meddle with it, he might leave it if he pleased, the Affair appear'd to me in a bad Light, and I would represent it to the six Nations, who were expected in Town every Day. This is the ffact as I have it from Le Tort. I desire to be informed if you know any thing of the Matter, and if You do not, that you will make diligent Enquiry who committed the Murder, and who are the unhappy Sufferers, and Assist Us to obtain Satisfaction, if it shall appear

to be any of our fellow Subjects that have been treated in this Manner.

To enforce this request I present you with this String of Wampum.

July 2d, 1742.

Further Remarks to the Chiefs of the Six Nations.

FRIENDS AND BRETHREN OF THE SIX NATIONS—

Six Years ago, a Number of Your Chiefs obliged Us with a Visit, when they agreed on behalf of your Nations to the release of Certain Lands on both Sides the River Sasquehannah to the Southward of the Endless Mountains, and within the Limits & Bounds of the King's Grant of this Province. In Consideration of which a certain Quantity of Goods was agreed on, and delivered as a full satisfaction for the said Lands lying on the Eastern side of the said River, And for the Land on the Western side of the said River You desired the payment should be deferred till another Opportunity; these goods, which are Exactly the same in Quality as those You received the last Time the Chiefs of your Nations were here, have been ready a considerable Time, and kept in Expectation of your coming for them, and now You are come down, fully empowered by your respective Councils to receive them, We are well pleased to deliver them, Leaving it to you to make a fair and equal Division of them amongst yourselves.

We are sorry for the Absence of our Brethren the Senekas, and much more so that it should be owing to their Distress at home by a ffamine which Rages in their Country; A ffamine so great that you tell Us a

father has been Obliged to Sacrifice one part of his ffamily, even his own Children, for the Support and Preservation of himself and the other part. We heartily Commiserate their Condition, and do not doubt but you will do them fair and ample Justice in the disposal of their part of the Goods in such manner as they have Instructed you.

You have often heard of the Care that your great and good ffriend & Brother, William Penn, took at all Times to Cultivate a perfect good Harmony with all the Indians; Of this your Nations have ever been fully Sensible, but more especially a Number of Your Chiefs, about Ten Years ago, when on the arrival of a Son of your said Great ffried William Penn, large and Valuable Presents were Exchanged by Us with You. A new Road was made and clear'd, a new ffire kindled, and the Chain of ffriendship made stronger, so as to last while the Sun & Moon endure.

And now We cannot but congratulate our Selves that your coming should happen at a Time when we are in Daily Expectation of a War being declared between the King of England & the ffrench King, well knowing that should such Warr happen it must very sensibly Affect you, considering your situation in the neighbourhood of Canada.

Your coming at this Juncture is particularly fortunate, since it gives us an Opportunity of mentioning several Things that may be necessary to be settled between People so strictly and closely united as we are — An Union not to be Expressed by any thing less than the Affectionate Regards which Children of the same Parents bear for each other, as conceiving our selves to be one flesh and one People. The utmost care therefore ought mutually to be taken by Us on both sides, that the Road between Us be kept perfectly clear and open, and no Letts not the least Obstruction be suffered to lye in the Way, or if any should by accident be

found that may hinder our free Intercourse & Correspondence, it must forthwith be removed.

To inforce this we lay dowa a String of Wampum.

In the next place, we on our part shall enlarge our fire that burns between Us, we shall provide fewel to increase it and to make it burn brighter and clearer, and give a stronger and more lasting Light & Warmth.

In Evidence of our Sincere Intentions we lay down this Belt of Wampum.

In the Last place considering the Obligations we are mutually under by our several Treaties that We should hear with our Ears for You and you hear with Your Ears for Us, We shall at all Times very willingly give you the Earliest and best Intelligence of any designs that may be found to your Disadvantage; And if you discover any preparations that can hurt Us we desire you will immediately dispatch some suitable Person in whom we can place a Confidence to give Us a proper Information.

To inforce this Request as well as to brighten the Chain, we lay down this other Belt of Wampum.

July 6th, 1742.

Still Further Remarks to the Chiefs of the Six Nations.

BRETHREN:

We thank you for the many Declarations of Respect you have given Us in this solmen renewal of our Treatise. We receive and shall keep your string & Belts of Wampum as pledges of your sincerity, and desire those We gave you may be carefully preserved as Testimonials of ours.

In answer to what You say about the Proprietaries, They are all absent and have taken the Keys of their Chest with them, so that We cannot on their Behalf

enlarge the Quantity of Goods; were they here they might perhaps be more generous, but we cannot be liberal for them. The Government will, however, take your request into Consideration and in regard to your poverty may perhaps make you a present. I but just mention this now, intending to refer this part of your Speech to be answered at our next meeting.

The number of Guns as well as everything else answers exactly with the particulars specified in your Deed of Conveyance, which is more than was agreed to be given you. It was your own sentiments that the Lands on the West side of Sasquehannah were not so valuable as those on the East, and an abatement was to be made proportionable to this Difference in Value; but the Proprietor overlook'd this, and order'd the full Quantity to be delivered, which you will look on as a favour.

It is very true that Lands are of late become more Valuable, but what raises their Value? Is it not intirely owing to the Industry & Labour used by the white people in their Cultivation and Improvement? Had not they come amongst You these Lands would have been of no Use to you any further than to maintain You, and is there not, now you have sold so much, enough left for all the Purposes of living? What you say of the Goods that they are soon worn out is applicable to every thing, but you know very well that they cost a great deal of Money, and the Value of Land is no more than what it is worth in Money.

On your former Complaints against people settling the Land on Juniata, and from thence all along on the River Sasquehannah as far as Mahaniahy, some Magistrates were sent expressly to remove them, and we thought no person would stay after that.

Brethren—

According to the Promise made at our last Treaty with you, Mr. Logan, who was at that Time President,

did write to the Governor of Maryland that he might make You Satisfaction for such of your Lands as his People had taken up, but did not receive one word from him upon that head. I will write to him again, and endeavour to procure You a Satisfactory Answer. We do not doubt but he will do You Justice, but we exhort you to be careful not to Exercise any Acts of Violence towards his people, as they likewise are our Brethren, and Subjects of the same great King, and therefore Violence towards them must be productive of very evil Consequences.

I shall conclude what I have to say at this Time with acknowledgements for your present, which is very agreeable to Us from the Expressions of Regard Used by You in presenting it.—Gifts of this Nature receiving their Value from the Affection of the Giver, and not from the Quantity or price of the thing given.

July 7th, 1742.

Remarks to the Chiefs of the Six Nations, and Certain Delaware and ffork Indians.

BRETHREN:

The last Time the Chiefs of the Six Nations were here they were inform'd that your Cousins, a Branch of the Delaware, gave this Province some disturbance about the Lands the Proprietor purchased from them, and for which their Ancestors had received a valuable Consideration above fifty Years ago, as appears by a Deed now lying on the Table. Some Time after this Conrad Weiser delivered to Your Brother, Thomas Penn, Your Letter, wherein You request of him & James Logan that they would not buy Land, &c. This has been shewn to them and Interpreted, not-

withstanding which they have continued their former Disturbances, and have had the Insolence to write Letters to some of the Magistrates of this Government, wherein they have abused your good Brethren our worthy Proprietaries, and treated them with the utmost Rudeness & ill Manners. Being loth from our Regards to you to punish them as they deserve, I sent two Messengers to inform them that You were expected here, and I should be made acquainted with their Behaviour. As you on all Occasions apply to Us to remove all White people that are settled on Lands before they are purchased from You, and we do our Endeavours to turn such People Off, We now expect from You that you will cause these Indians to remove from the Lands in the forks of Delaware, and not give any further Disturbance to the Persons who are now in Possession.

To enforce this we lay down a String of Wampum.
July 9th, 1742.

Letter to the Governor of Maryland Concerning Certain Matters Referred to by the Indians in the Recent Conference.

Philadia., July 10th, 1742.

SIR—

The inclosed Extract of the Speech made by the Chiefs of the six Nations before a very Numerous Audience in this place, with my Answer to it, is of so great Importance to all his Majestie's Colonies, in this part of his Dominions, and to your Government in particular, that I have employ'd a special Messenger to deliver it you. I hope you will enable me to send them a satisfactory Answer. It would be impertinent

in me to say more to one so well informed as you are of these Nations, and of their absolute authority over all the Indians bordering Upon Us, or the advantages of Maintaining a Strict friendship with them at all Times, but more Especially at this Critical Juncture; I
am
Yours &ca.

Speech to Canassatego, Shick Calamy and Other Indian Chiefs.

BRETHREN—

This Meeting will be short, it is in Order to make you a present from the Governor, the Council, the Assembly, and all our People. Wm. Penn was known to you to be a good & faithful friend to all the Indians. He made a League of friendship with You by which We became One People. That League has often since been renewed by friendly Treaties, and as you have declared that the friendship shall always last on your parts, So we would have you believe that it shall remain inviolable on Ours while Sun & Moon endures.

I gave you some Expectation of a present, and we have it now ready to deliver to you. This present is made you by the Governor, Council, Assembly, & all our People, in Consideration of the great Miseries and Distresses which you our good friends have lately Suffered. This will be some relief to you for the present, and it's to be hoped your own Industry will soon retrieve your Circumstances.

It has sometimes happen'd, and may happen again, that Idle and Untrue Stories are carried to you concerning Us, your Brethren, but our desire is, and we Expect it from You, that you will give no Credit to them, for we are and always will be your Steady and sincere friends.

It is a Custom when we renew our Treaties with our good friends the Indians, to clear the Road and make our fire burn bright. We have done so upon this Occasion, and in token of our sincerity We deliver you as a present from the Governor, the Council, the Assembly, and all the People of Pennsylv., the following Goods, Vizt.:

| | |
|-----------------------------|-----------------------|
| 600 Lead, | 5 lb. Vermilion, |
| 600 Powder, | 25 Hatts, |
| 25 Strowdes, } Match Coats, | 24 Guns, |
| 90 Duffell, } | 10 Doz. Knives, |
| 30 Blanketts, | 8 Doz. Gimblets, |
| 62 Yards of Half Thicks, | 2 Doz. Tobacco Tongs, |
| 60 Ruffled Shirts, | 25 Pr. of Shoes. |
| 1,000 Flints, | 25 Pr. of Stockings, |
| 50 Hoes, | 25 Pr. of Buckles. |
| 50 Hatchets, | |

July 10th, 1742.

Speech to Canassatego and Other Chiefs of the Six Nations.

BRETHREN OF THE SIX NATIONS—

The Judgment you have just now pass'd on your Cousins the Delaware, confirms the high Opinion We have ever entertained of the Justice of the six Nations; this Part of your Character, for which you are deservedly fam'd, made us wave doing our selves Justice, in order to give you another Opportunity of Convincing the World of your inviolable Attachment to your Engagements. These unhappy People might have always liv'd easy, having never received the least Injury from Us; but we believe some of our own People were bad enough to impose on their Credulity, and

engage them into these wrong Measures, which We wish for their Sakes they had avoided.

We hoped from what we have constantly given in Charge to the Indian Traders, that they would have administered no just Cause of Complaint; if they do you wrong it is against our Inclinations, and Contrary to our Express Directions. As you have exhibited no particular Charge against them, We shall Use our best Endeavours to perswade them to give you as much for your Skins as they can possibly afford, And to take Care that their Goods which they give in Exchange for Skins be of the best sort; we will, likewise, Order you some Rum to serve you on your Journey, since you desire it.

We wish there had been more Room and better Houses provided for your Entertainment, but not Expecting so many of you, we did the best we could. 'Tis true there are a great Many Houses in Town, but as the property of other people, who have their own Families to take Care of, it is difficult to procure Lodgings for a large Number of people, especially if they come unexpectedly.

We Entertain the same Sentiments of the Abilities and probity of the Interpreter as you have expressed; we were induced at first to make Use of him in this important Trust from his being known to be agreeable to You, and one who had liv'd amongst You for some Years in good Credit and Esteem with all your Nations, and have ever found him equally faithful to both. We are pleased with the Notice you have taken of him, and think he richly deserves it at your Hands. We shall not be wanting to make him a Suitable Gratification for the many good and faithful services he has done this Government.

We have already given Orders for Waggons to Carry your Goods, and for a Supply of Provisions to serve you on the Road in your Return home, where we heartily Wish you may arrive in good Health.

July 12th, 1742.

Letter to Cacowatchico and Nuchicaw.

GEORGE THOMAS, ESQR., GOVERNOR OF THE
Province of Pennsylvania, &c.,

To his friends and Brethren, Cacowatchico &
Nuchicaw.

Friends & Brethren:

I could not but be surprized at receiving last Week by the Hands of a Gentleman or two who chanced to be at Lancaster Court, a Belt with two Strings of Wampum that were delivered them they said by Methawana, accompanied with five others of your Nation, with a Message that undoubtedly you conceived to be of Importance by the Belt you sent with them, but whatever it was you cannot but be sensible it was incumbent on your Messengers, instead of Stopping short at Lancaster, to have proceeded on their way directly to Philadelphia, and here delivered their Message to me, as you well know has been the Practice ever since the first of your people came into the Government of your father & very good friend William Penn, who was also the father & founder of this Colony.

This Message that you intended should be delivered to me as I understand it, was to inquire about some Nantikoke Indians who were lately imprisoned in Maryland on some informations that were given first to the Magistrates and then to the Governor & Council, of soce Evil Designs occasion'd by a Visit made to those Indians between three & four Months since by some of your Nation, Which being a Transaction within another of his Majestie's Governments, and therefore not under my Cognizance, would more properly have been inquired of there. However, I take it kindly, and as an Instance of your Regard to the Chain of friendship and Brotherhood subsisting between You & Us, and which has by so very many repeated Treaties been strengthen'd & brighten'd, One Article of which I am

very sensible is, that the Christians or Subjects of our Great King and the Shawanese shall duly inform each other of whatever either side hears or knows that may affect the other. But that any of your People should Act so very inconsistently with all your solemn Engagement, appears to me unaccountable. I well remember I held a Treaty with you here at Philada. about this Time was three Years, in behalf of your selves and your whole Nation, And upon this last occasion I have been enquiring what Old Treaties have been enter'd into between Us and your Nation, for you are sensible we have Records in writing by which the Memory of past Transactions are preserved for all Ages to come, And amongst these I observe one Treaty held above 40 Years since by your said ffather William Penn. for himself and all the King of England's subjects, with Conoodachto and other Chiefs of the Sasquehannah, together with 3 of your Chiefs, vizt.: Wopaththa, Lemoytaugh, & Pemayojooagh, in behalf of their whole Nation, not long after their first Arrival at the River Sasquehanna, by which Treaty it was mutually agreed and firmly Covenanted by & between the Christians and all the said Indians, that they should for ever thereafter be as one Head & one Heart, and live in true ffriendship and Amity as one People. And the same has been Confirmed by the Chiefs of your Nation in behalf of all their People from Time to Time, as often as this Government hath held Treaties with any Indians in your Neighbourhood, and particularly, as I have already mentioned, by your selves this Time was three Years, and therefore repeat it again. Now that any of your People should have taken it into their Heads to Act so inconsistently as to plot Mischief against any of our King's Subjects, as they are charged by the Nantikokes to have done, appears to me, as I have said, unaccountable. But upon what has happened I advise you, as your true ffriend, without Delay

to send a proper Message to the Governor of Maryland to clear (if you can) those People's Innocence, Or if Guilty let the Action be condemned in them. That Gentl. used their imprisoned Indians with Great tenderness, Dismissing them on their Engagements to behave well for the future, and sending them home to their former Habitations. I must further take Notice that I received this past Summer from You a Small Bundle of Skins on Accot. of some Scalps discovered in the Bundles of the Twechtway Indians, that you had reason to believe were not the Scalps of Indians, as those who had them pretended, but of white people, And therefore to prevent all suspicion that any of your Nation were concerned in the Murther, you sent me the aforesaid Message, your Care in which was not only Commendable in that particular, but I hope it will be the same in every respect for the future; And I desire you will make further enquiry into that Matter and send me a more certain Account if you can, not only who committed the Murther but to what Place or River the People Murder'd did belong. I shall Expect to see you here next Spring, according to your Promise, where you shall be Kindly received by your very good friend and Brother.

Philada., August 16th, 1742.

P. S. I send you this not only under the Seal of our Government, but for a further Confirmation have added four Strings of Wampum.

To the Assembly concerning the Conduct of the Governor in connection with Raising of Troops and Supplies in Accordance with the Demand of the Crown.

GENTLEMEN:

It is not from an expectation of convincing your Understanding, or of reforming Your Conduct, that I take the Trouble of answering your Messages.

The Interests of your Leaders I know depend upon keeping alive a Spirit of Faction, for a Return of that Harmony which subsisted before they embroiled the Publick Affairs would render them as inconsiderate as they formerly were, and as all True Lovers of Peace and Prosperity of the Province wish to see them again. I know, too, that I am to expect nothing from these Men but Misrepresentations and Revilings. But it is not for them that I write; it is to prevent the Honest and well meaning from being deceived and misled. As to myself, I cannot have the least Reason to be concerned about your Sentiments of me; since his Majesty has been graciously pleased, after a Transcript of your proceedings had been laid before him, to signify his Approbation of my Conduct; since the Honourable Proprietaries, to whom you have appealed, have likewise done me that Justice which I had reason to expect from their Candour and good Sense, and since, if they are to be credited, my Conduct has appeared in a very agreeable Light to Persons less concerned in the Province than either They or You, and therefore more indifferent Judges. These things considered, I have nothing to wish for respecting my Administration, but that the Eyes of such as have been infected by your Passions and Prejudices may be opened, that they may lay the true Interests of their Country to Heart, and that they may do their Parts towards preparing and applying proper Relief, as well to the impending as to the present Necessitys of the Publick.

It will ill become me to descend so low as to take Notice of every part of your last Messages, wherefore I shall principally confine myself to such of them as seem particularly calculated to injure me, and to preserve yourself in Power.

In answer to all that relates to the Inlisting Servants for the late Expedition, I might refer You to my former Messages on that Subject; but since you think you

gain great Advantages in keeping up a Discontent in the Minds of the People by a Repetition of your Charge against me, and an obstinate avowal of your own unaccountable Conduct upon that Occasion, I shall not decline the Controversy, but briefly as I can State some few of the material Facts, and make a few Observations upon them.

A Proclamation was made by me, inviting all such as were willing to enlist in the King's Service to enter their Names with Persons appointed to Receive them, that I might be enabled to make a Judgment of the number of Men likely to be raised here, and to give Colo. Spotswood an Account of it. Numbers enter'd their Names accordingly—Freemen and Servants. From hence you insist that Servants were enlisted before a Bounty was proposed by me to the Assembly; for what is an Inlistment, said the Assembly, but entering a name on a List?

This is, I confess, a very ingenious Definition of Inlisting; and as it is to be found in every Dictionary, the Assembly laid their Chief Stress upon it. But, with your leave, an Inlistment must be attended with other Circumstances besides that of entering a Name on a List. To make a Legal Inlistment the Persons must have received inlisting Money, must be carried before a Magistrate, the seventh & tenth Articles of War read to him, and the Oath mention'd in those Articles taken by him; which, however, he may refuse to take if he makes the satisfaction required by Act of Parliament in four days after receiving the inlisting Money. As these Essentials to an Inlistment were wanting, and there was in Truth no Person authoriz'd to make a legal Inlistment before the Arrival of Colo. Blakeney, no one was so weak as to think of holding any by their having barely enter'd their Names on a List; and, therefore, their appearance was so far from being insisted upon that not one of them was ever called for. As this

is truly the Case, there is not the least Ground for your Assertion that Servants were Inlisted before a Bounty was mentioned, nor was one Man Inlisted, either Freeman or Servant, until several Days after my Speech to the Assembly recommending a Bounty.

You are pleased to say now, that the Assembly did declare they could not appropriate any Money to the uses required, yet they had determined to give £4,000 to the King's Use, and prepared a Bill for that purpose, which might have passed had not the Inlisting of so many Servants prevented it. This may pass well enough with such as are disposed to swallow any thing, but to me it discovers such a double-dealing as is not much for the Assembly's Credit. To declare their Consciences could not allow them to raise or apply Money for Victualling and Transporting Soldiers, and yet to determine to give £4,000 to the King's Use, that is, for victualling and transporting Soldiers, can, in my opinion, no otherways be accounted for, consistent with a good Conscience, than upon a supposition of a new Revelation intervening between the positive Refusal and the Determination to give.

But suppose, for Argument sake, I should allow that the Assembly were really determined to give £4,000 for the King's Use; as £2,000 was to pay the Masters of such Servants as should enlist, and the other £2,000 was for victualling and transporting both Freeman and Servants, I am at a loss to account how the Inlisting Servants should be a reason for laying aside the Bill. On the contrary, as the voting £2,000 to pay the Masters was an Encouragement given by the Assembly to the Inlisting of Servants, it ought to have been a Reason for passing the Bill. But the Truth of the matter is, after the Assembly saw that Servants were inlisted, tho' Contrary to my express direction when I went down to Newcastle, they thought they had a good

huddle for a Complaint against me, and a good pretence at the same time for saving their money, and so adjourn'd without expressing the least dislike to the Inlistment of Servants that that time, and left the King's Business and me to struggle thro' the Difficulties they had thrown in my way as well as I could. The Voting £3,000 afterwards, upon such Condition as were an Affront to His Majesty, and altogether impracticable without breaking all the Companies, was a piece with the rest of their Proceedings.

Upon the same supposition that you were in Earnest in the Bill for giving £4,000, I have been so far from adding to the Publick Expence, as you charge me, by the Encouraging the Inlistment of Servants (had I really done so), that the Publick had been a saver by it; For as £4,000 was intended to be granted, and but £2,600 has been paid for Servants, there is evidently a saving of £1,400 to the Publick. The £3,000 lately given has no relation to that Matter; For that was given unask'd, and under the pretence of commiserating the Burthen and heavy Taxes your Fellow-Subjects labour under in England: And as it is said to be illegal, and the true Reasons for giving it are as well understood as here, it is probable that will remain in your Agent's Hands as a Fund for soliciting future Petitions and Representations, and for his own and the Agent Assistant's unknown Services to the Province. I cannot suppose that your Agent is quite so ignorant or remiss as not to have known and informed you that the Legality of the Grant of £3,000 has made a Question of by much greater Men than any of us; nor is it difficult to conceive that the refusing to give at one time and the giving at another may be equally blameworthy. A Grant may be legal and may be an Instance of Loyalty to the King and of Regard to our Mother Country, when it is asked, when the Exigency of the Public Affairs require it, and it is made in a proper manner, and at

another time may be illegal and wanton, or ill-judged Dissipation of the Public Treasure.

When a Controversy is not like to be ended by the Parties themselves, it has been usual to appeal to the Judgment of others. You have made your Appeal to the Honourable the Proprietors, which I conclude you would not have done had you not at that time entertained a just opinion of their impartiality. Altho' their Answer is Publick, I shall here insert what relates to the Dispute between us, as the best way of putting an End to it, or at least of satisfying such as may not have seen that Answer. It is in the following words: "By the Minutes of that Year we find the Governor was so far from desiring the Inlistment of Servants, that he very early took Measures to prevent; and in his Speech to the Assembly, wherein he communicates to the House His Majesty's Instructions for the raising and transporting Men to the West Indies, proposed a Bounty for the Encouragement of Freemen to inlist, in order to prevent the Accepting of Servants, which we are very sensible must have been a great hardship on particular Persons, and heartily wish had been prevented; but the House, instead of entering into the Consideration of a matter which You now conceive of so great Importance, preferr'd then the Care of their private Concerns, and by that means became the occasion of this Grievance, tho' the Governor has been charged with all the Inconveniences that have attended it."

I proceed now to your Charge of attempting to deprive you of your Privileges, by my Letter to the Lords Commissioners for Trade and Plantations, contrary to the Solemn Engagements you say I am under to support You in them. And in this Charge you particularize the Assembly's Rights to sit on their own adjournments and to dispose of the Publick Money, and

the Rights of the People call'd Quakers, when duly Elected, to sit in the Assembly.

That this matter may be well understood, I must first premise that my Duty to the King is prior and paramount to any Obligations I am or can be laid under to any Persons whatsoever; and where an inferior Duty interferes with a superior, the superior is to be preferred. This being granted (for it cannot be denied), where is the breach of my Engagement in representing to His Majesty or His Ministers, that the Assembly have a Right to sit on their own Adjournments, but that they made a very ill Use of that Privilege, when a Matter immediately recommended by His Majesty was laid before them? And that they might bring great Prejudice to His Majesty's Service by such a Practice, without a positive Refusal to comply with his just expectations. As it is a Fact that the Assembly did so adjourn, and that Adjournments in the like Cases may prove hurtful to the King's Service and the Interests of our Mother Country, it was my Duty to represent it; and further, as I was under His Majesty's express Command to lay His Instructions before the Assembly, it was my Duty to give a particular Account of their whole Proceedings upon those Instructions. But had His Majesty's Commands been out of the Question, could it be expected that I should be so regardless of my own safety as not to make use of all the Advantages the Assembly's rash Conduct had given me, to defend myself against a Petition they have threatned me with? The Contents of that Petition being kept Secret (for it was never Printed in the Assembly's Votes, nor a Copy of it deliver'd to me), made it still the more necessary for me to Arm myself at all Points against the dark Malice of my Adversaries. If you would preserve this Privilege use it with Discretion, especially in Instances where the King's immediate Service is concerned. It has been strained in that and other Instances of late,

contrary to the Intention of the first Granter, which is plain for comparing your Practice with the Paragraph of his Letter lately sent to You by the Present Honourable Proprietors, his Sons, in the following words: "I designed the People should be secured of an annual fixed Election and Assembly, and that they should have the same Privileges in it that any other Assembly has in the Queen's Dominions, among all which this is one constant Rule, as in the Parliament here, that they should sit on their Adjournments; but to strain this expression to meet at all times during the Year, without the Governor's Concurrence, would be to distort Government, to break the due proportion of the parts of it, to establish Confusion in the Place of necessary Orders, and to make the legislative the executive part of the Government."

As to the Disposition of the Public Money, I deny that it is a Privilege of the Assembly. It is true you have a Temporary Right to dispose of it by virtue of two Acts of Assembly, one of which will expire ye next Year. But from the observations I have made, this is so far from having been of late an Advantage to the Province, that I am convinced some Thousands of Pounds would have been saved in the two last Years had the Money been appropriated by those Acts, or the People's Representatives been under some Check. That the Proprietors entertain the same Opinion of this Power, appears from what follows out of their Answer to your late Address. "The Money belongs to the People, and the more difficult it is to appropriate any of it, the less probability there is of having it unnecessarily expended."

After the Account given by me to the Lords of Trade of the defenceless Condition of the Province, it was added, that so long as the House of Assembly shall be composed of "a sett of People who oppose all preparation for Defence, the Province will remain exposed to

any Enemy that shall think fit to invade it." This you call, likewise, a Breach of my Solemn Engagements. How comes it to be more so now than it was two Years ago? for I said this in substance to You then in several of my Messages, and You, in effect, acknowledged it by insisting that it was against your Consciences to make any Provision for the Defence of the Province. I am answerable for the safety of the People committed to my Care, and if no Provision has been, or is like to be made for their Defence, is it my Duty to inform His Majesty of it, or to conceal it from him? the latter, I know, would have been more agreeable to You, but in that case I should have deserved something worse than the effects of your Resentment can ever prove to me.

In the next Paragraph you ask me whether his Majesty's Commands required that the People of this Province should be charged with carrying on Manufactures at very cheap Rates, directly interfering with the Trade of their Mother Country? I answer, Yes; for as His Majesty commanded that I should give His Ministers a particular Account of my Transactions relating to the Expedition, and the Assembly insisted, as an Argument against the Legality of Inlisting Servants, That the Trade of Servants was advantageous to Britain, they made it a Part of those Transactions, and put me a Necessity of proving it was not so, as it enabled the Inhabitants here to carry on Manufactures directly interfering with those of Britain. The Assembly's Threats upon the Point of Inlisting Servants, likewise rendered this Proof necessary for my own safety, for as this Argument was calculated to Engage the Trading part of the Nation against me, it behoved me to shew how the Trade of Servants was injurious to our Mother Country. But whether it was or was not my Duty, it will not be thought an Instance of Prudence in You by those that have any share of it themselves, to bring this matter again under the Publick

Notice. Your view, it is plain, is to prejudice the People against me, in order to preserve Yourselves in Power. But will any prudent or honest Man put such advantages to a Risque (if any can be advantageous to this Province that is prejudicial to its Mother Country) to serve such Ends?

Besides what I have already said, the standing Orders from the Lords of Trade, in obedience to His Magestie's Commands, are a full Justification of my Letter. For it is their Lordship's Express Direction "that I send particular Accounts of Laws made, Manufactures set up, or Trade carried on in the Province of Pennsylvania, which may in any way affect the Trade, Navigation, and Manufactures of this Kingdom, & to take it for a constant Rule to send them annual Returns to the enclosed Queries." A Copy of these Queries I have ordered my Secretary to deliver to You, and you will oblige me if you speak out and tell me plainly whether I am to obey his Majesty or am to obey you, that I may signify to His Majesty what your pleasure is; or if you do not care to do this, favour me with such an Answer to these Queries as it is your will I should give, that I may make such an Annual Return as may not incur your Displeasure.

What next occurs to me that has a relation to the Expedition, is the advance of Money made for carrying on our Part of it, after the Assembly had adjourned upon the Rumour of a probability of a Peace. To this you say, if the Merit consisted in Purchasing the King's Bills at any easy Exchange, once Publishing it to the world might have been sufficient. I do not wonder at you being displeased at the Publication of it, since the Gentlemen's Zeal who advanced Money was so much commended in England, and was so opposite to the Scheme the Assembly had formed to prevent my sending any Assistant at all: And as what relates to the

King's Bills is as well levell'd at my Integrity as to detract from these Gentlemen's Merit, you must excuse me if I tell you plainly that it is an Insinuation of the worst sort, tho' no other than is very common with You. The King's Bills for subsisting the Troops here, and for victualling the Transports, were sold and paid away at the highest exchange that was given to Merchants of the best Credit in the Town for Bills of their own Draught; and I put you to a publick Defiance to prove in any one Instance where the King's Bills were not sold at the full Exchange, and the Money was not as frugally managed, as if it had been my own Property, or the Property of any Merchant in the Town. If you yourselves had set any value upon a Character, you would have scorned such Insinuations to the prejudice of other People's.

You have been pleased to call upon me to shew one Instance of the Assembly's laying aside Truth and Publickly defaming me.

Numerous Instances of this sort are to be found in the Messages of that time as well as since; but as they would not have the force of Conviction with you if I were to Cite them, I rather chuse to refer you to some part of the Proprietor's Answer before quoted. "We find the Governor was so far from desiring the Inlistment of Servants that he very early took measures to present it;" And a little further, "the Assembly became the occasion of this Grievance, tho' the Governor has been charged with all the Inconveniences that have attended it."

The Men without shame or common honesty are known to every fair Trader in Town that has read the List of those that were employed to collect and prepare Evidence to support the Charge against me; wherefore it is quite unnecessary to distinguish them by their names, or to spend time upon the difference between Depositions or Examinations transmitted against me.

Much is said in support of your Right of Petitioning, which as no one has denied is like buffetting the wind; But when a Petition contains matter of complaint against any particular Person, that Person has a Right to a Copy of it, and the Transmitting it without doing him that Piece of common Justice may be justly compared to an intention To stab in the Dark, for it does not appear probable to me that the Assembly would have favour'd me with a Copy of it if I had desir'd it; That they promised themselves (however mistakenly) some advantages from secreting the particulars of it is plain, from their not publishing it in their Votes, which used to be the Practice in regard to all Public Transactions (and which the Public, as well as myself, have a Right to see), before they thought the Secresy of a Romish Conclave more worthy of their Imitation than the Practice of a British House of Commons and of former Assemblies here. It is near two Years since the Petition was transmitted to London, and was not presented when the last Ships came from thence, tho' my Friends had very much desired it, and had often solicited your worthy Agent to present it; yet I am now told it is too early to judge whether it has failed or not. I can scarce perswade myself that you are serious in what you say, except it be with a Design to amuse such as you had taught to expect mighty matters from it; However, for Curiosity's sake, I shall even now be glad to see a Copy of that Petition, and of the Examinations or Depositions, which soever you please to call them, that were taken & sent to support it; and if you oblige me so far. I promise you that I will make no advantages of them, by a further preparation for my Defence, until I receive his Majestie's Commands so to do. Perhaps you will wittily ask me again, How could the Petition amuse those that never saw it? But however impenetrable you affect to be with Regard to me, your Emisseries are well Instructed by You, for tho' your Address

to the Proprs. was called in your Votes, under the disguised Title of a Representation of the state of the Province, and the Matter of it was secreted from me, the People of the Country were made to believe that you had done my Business by it, and that a new Governor was most certainly to come over soon.

As your Starts from one Point to another are very sudden, and you leave or return to them as you please. I may reasonably expect to be indulged in being a little immethodical too in my Reply; therefore I shall now go back to what relates to the Council observations on the Report of a Committee of Your House, the substance of which is, that you are under no obligations to pay any Regard to them, since the Council is no part of the Legislature. This might have been proper enough had the Council thereby assumed any part of the Legislative Power; but in the case before us it is, in my opinion, no more to the purpose than if you had told them they were no Part of the Colledge of Physicians, for as they are by Law intrusted with the care of Sickly Vessels coming to this Port, they certainly have a Right, tho' no part of the Legislative Body, to justify their Conduct against the Aspersions thrown on it by a Committee of Assembly, or by any other Persons whatsoever. To your own Resolves you are at the same time pleased to pay greater Honour than will be paid to them by any other part of Mankind, for they are so far from carrying any Authority out of your own House, that your Fellow Subjects are not so much as obliged to know them, nor would a Judge, who knows any thing of his Duty, even suffer them to be mention'd in a Court of Judicature. The Law is the Rule of every Man's Actions, and as the Resolves of an Assembly can by no means come properly before a Court, for this & many other Reasons they can neither aggravate an Offence against a Law, nor have any thing to do in proportioning the Punishment. Any Doctrine con

trary to this is the highest Invasion of the Liberties of a British Subject.

Enough has been said of your Apprehensions from the great and frequent Importation of Foreigns; and when you produce an Interlineation under the late Speaker's Hand, and the Circumstance of another Gentleman's being one of those that carried up the Address (who as Members are obliged to obey the Orders of the House), as proofs of their concurring in your apprehensions, it is a sign that you are either hard put to it, or have a very mean Opinion of the Understandings of the people.

The Sense which the Assembly of the Lower Counties have entertained of my Administration (tho' much pains has been taken to carry the War down into that Government against me) is too publickly known to stand in need of your Testimony concerning it; nor will it be easy for you to persuade the World that the same Men acts upon good & bad principles at the same time. You endeavour to account for the Difference by saying that Servants were ordered to be discharged by me there, when it was denied that I had a Power to do it here. This is so far true that as the Officer there had 15 or 16 Supernumeraries, I prevailed upon him to return the Servants to their Masters, & to retain all the Freemen. But had this Circumstance not been in the Case, it would have shewn that the Complying or not Complying with His Majesty's just Expectations was the rule of my Conduct, and not any Interest or Passions of my own. To make an End of the Subject of Inlisting, I am so well satisfied with the Approbation His Majesty has been pleased to give of my Conduct on that Occasion, and with the Opinion I have had from England of the Legality of the Officers Proceedings (tho' I took the most timely measures to prevent what I thought would be a very great Hardship upon the People), that I cannot entertain the least Opinion of

the Credit of that Person who you say has given you a contrary Information. But let me detain you one Moment longer to receive my thanks for the single acknowledgment you have of a long time been pleased to make in my Favour, that there is no reason to question but that some part of my Conduct may have received His Majesty's Approbation. I would by no means be though ungrateful, nor would I willingly be behind hand with you in Acts of Civility, wherefore I heartily wish I could with equal Truth say that any part of the Assembly's Conduct had deserved the like. I will hope, however, that in some future time it may.

If any Fines, Part of the Ten Pounds a Year, have been received by me which ought as You say to have been paid to the Provincial Treasurer, descend to particulars, name the Sums, and by whom paid, & if it appears to me or to any impartial Person that I had not a right to receive them, I will repay them into his Hands, for I am under no Temptation, either from want of Oeconomy or otherways, to despoil the Publick or any private Persons of their Property. But by the way, it is not every Man that is qualified to judge what is or is not Oeconomy in the Expences of a Governor, and the Man should be a Gentleman who takes upon him to judge of the Oeconomy of a Gentleman. I make no doubt but some wonder how a Governor can spend even £100 a Year, and both think themselves qualified and would be willing to undertake the Charge for that or a less Sum. But whilst you are attacking my Rights, your Right to the manner of Paying yourselves your Wages is not very clear. For if you may pay yourselves out of the Interest Money because you may apply it to what uses you shall think fit, you have a Right, if you think fit, to divide the whole Sum amongst yourselves.

If you have read much of Parliamentary proceedings, you could not but have known that it is far from being unparliamentary to mention what are the Sentiments

of the People upon an Assembly's past Transactions, And as I agree with them that there is good reason to believe there has been a partial Distribution of the Publick Money in paying for Servants, I take you at your word as to the Publication of a List specifying the Servants Names, in what Company they were In-listed, the Names of their Masters, their Trades, the Dates of their Indentures, the time each Man had to serve, and the particular Sums paid to each Master for them.

By the fine Things said in your Message of the Persons removed by me from Offices, which no one ever heard of before, one would be tempted to suspect, as some of them are Members of your House, that they were the Penmen of their own Praises. I profess myself an utter stranger to any Attempts made to influence them; tho' could I have descended to the mean Arts of Flattery and Dissimulation, and had I wanted a Tool to get Money for me out of the People, I might perhaps have succeeded as well as a more worthy Governor or another Province did a few Years ago. But despising such Arts, I left them to themselves, & as their Behaviour render'd them unworthy of the Trust committed to them, I removed them from their places, which as they held during Pleasure, I had a Right to do without being accountable to them or to you, or without incurring from our Superiors your mild Censure of having acted more arbitrarily than the most arbitrary Princes.

I am persuaded you do not expect a serious Answer to your Charge of manifest Design against the Liberties of the People. This, however, is the Engine you have work'd with to deceive the People, and you know the advantages of it too well to part with it now. If there were such a Design, it is strange it should be manifest to none but to you and your Partisans; neither the Proprietors nor any others have been so lucky as to find it

out. I confess my Design to promote the King's Service and your own safety has been manifest enough; And if any Attempts have been made or shall be made against these, I will most readily join with you to defeat them; Tho' I think it is an unbecoming Distrust of His Majesty's Royal Virtues to suppose it possible for him to give the least Countenance to Enterprizes destructive of your Liberties, whether you or I exert our Power in the Case or not.

To conclude: I have had the Bills you laid before me at your last Meeting under Consideration; but the stopping my support for endeavouring to inforce the King's and the Proprietor's Instructions, is so flagrant an Instance of your contempt of them, and so manifest an Invasion of my Right of exercising my judgment in conducting the Public Affairs, that it will not be to any purpose for me to give my Sentiments on those Bills until you have restored me to that Liberty which, as one part of the Legislative Body, I am entitled to, by making me the usual Allowance for my Trouble & Expence in the Administration of the Government for more than two Years past. When this is done I shall be free, as well to offer my Opinion in general of them, as to propose such particular Amendments as seem to me necessary for promoting the Ease and Happiness of his Majestie's Subjects in this Province; which no man more sincerely wishes than I do, or would take more Pains to accomplish, tho' I shall always be careful to support the Honour of the Station it has fallen to my Lot to be placed in.

GEO. THOMAS.

August 17th, 1742.

To the Assembly Concerning the Accounts for the
Entertainment of Certain Indians.

GENTL.:

The several Accounts for the Entertainment of the Indians lately here having been committed to the Examination of some of the Members of the Council, I have now order'd them to be laid before you.

Some of the Chiefs & others of the Six Nations, not to exceed fifty in the whole, now invited down by the Proprietor to receive a considerable Quantity of Goods from him in payment for Lands purchased of them, but the Wants of these people were so pressing that they very much exceeded that Number, in Hopes of obtaining Relief from Us, their friends and allies; And as they are of great authority, & are held in great Esteem amongst all our neighbouring Indians, they were joined by some of the Shawanese, Delawares, Conestogoes or Conoys, to the number of about two hundred and thirty in all.

Under this unexpected Circumstance I directed that as many Members of your House as could be met with should be consulted as well concerning their Entertainment as the making them a present on behalf of the Province at their Departure, which as they readily agreed to, I suppose it appear to the whole House likewise to have been for the reputation & Interest of the public, and more especially when it shall be observed from the Treaty held with them that the Proprietor's Business was but a very small part of what was transacted, & that their coming down was not only necessary for the present peace of the Province, in Regard to some Indians who had threatned to maintain by force their possession of Lands which had been long ago purchased of them, & since conveyed by the Proprietors to some of our own Inhabitants, but for its future security likewise in Case of a Rupture with the

french, who will leave no methods unessay'd to corrupt the fidelity and to perswade them to turn their arms against Us.

August 20th, 1742.

To the Assembly on the Restoration of Harmony.

GENTLEMEN:

No Man more sincerely wished than I do to see that Harmony restored which subsisted between me and two successive Assemblies after I came to the Government; nor can any Man more abhor the Thoughts of depriving the People of their Liberties, or the Assembly of any of it's just Privileges; but if, notwithstanding, I have been frequently charg'd (and the Charge is spitefully repeated even now when Harmony is said to be desired), with Attempts of this sort, and have had such Indignities thrown upon me, as have been unknown to any other Governor or Assembly in the King's Dominions, it will not be thought unbecoming me to have shewn some degree of Warmth & Resentment against the Authors of them. When you shall think fit to treat me with the Civility due to my Publick Character, I shall not do so much Violence to my own Disposition as not to shew the same Regard to Yours.

If you really suppose that I have refused to take the Bills you laid before me into Consideration, you have very much misunderstood my last Message, for I have had them long under Consideration; and when you shall be pleased to remove all undue influence and restore me to that Right of using my own Judgment, which as one Branch of the Legislative Body, I am entitled to, by paying me the accustomed Support for the Time past, which you stop'd for my endeavouring

to enforce the King's and the Proprietor's Instructions, I shall have it in my Power to shew by Actions as well as words that I have a very real Regard for the Peace and Happiness of the Province.

If you are equally sincere in your Professions for restoring Peace, you will not refuse to do me the Justice for my Trouble and Expences in the Adminstration of the Government which you have constantly done yourselves for your own attendance in the Assembly; nor will it be difficult for you to find out a way of doing this consistent with the Liberty of both parts of the Legislature.

GEO. THOMAS.

24th August, 1742.

Reply to the Salutatory Address of the Speaker of the Assembly.

S R.—

I have never hitherto invaded any of your Privileges. Those you have now mentioned seem essentially necessary to the being of an Assembly, and you may be assured that all such as you have a just right to shall be maintained by me inviolably.

October 15th, 1742.

Reply to a Request of the Assembly at Philadelphia as to When the Governor would Return from Newcastle to Act upon Certain Matters of Legislation.

GENTLEMEN:

My attendance on the business of this Government being of Course required at this Season of the Year, and it having been Customary for the Assem

bly of this Province to adjourn, for that reason I could not apprehend that my absence would have been any ways inconvenient to them, and am sorry there was any Occasion given for the Enquiry mentioned in the Address You have delivered to me.

My Attention is at this Time engaged by several Bills which the Assembly of this Governmt. have laid before me, but as I hope to finish the Business of the Session here so as to be at Philada. to-Morrow, Your House may be Assured of such a Compliance with their Request as may be agreeable to Law and the Rights of the Subject.

November 3d, 1742.

To the Assembly Concerning the Proper Court to Hear a Case of Riot in the City of Philadelphia.

GENTLEMEN:

By the Charter granted by the first Proprietor to the City of Philada., the Mayor, Recorder, and Alderman of the said City are Justices of the Peace and Justices of Oyer & Terminer, and are impower'd to Act within the said City & Liberties thereof as fully and amply as any Justice or Justices of the Peace of Oyer & Terminer can or may do within the said Province.

And they, or any four or more of them, have power and Authority to hear and enquire into all and all Manner of Treasons, Murthers, Manslaughters, and all manner of felonies and other Crimes and Offences, Capital & Criminal, whatsoever, according to the Laws of this Province and of the Kingdom of England; with a power also to *Hear & Determine* all petty Larcenies, *Routs, Riots, & unlawful Assemblies*; and to try &

Punish all persons that shall be Convicted for Drunkenness, Swearing, Scolding, *Breaking the Peace* or such like offences which are by the Laws of this Province to be punished by fine, Imprisonment, or Whipping, &c.

The Law likewise by which the Supream Court is Established, has provided that nothing therein contained shall deprive or abridge the Mayor, Recorder, and Alderman of the City of Philada. of any powers or privileges, Jurisdictions or franchises, granted to them by Charter or the Laws of this Province.

From hence it appears to me that the Mayor's Court hath an uncontrollable power to proceed on the Tryal of the persons accused of the Riotous Assault made on the Inhabitants at the late Election; and the Council, with whom I advised the next morning after my return from N. Castle, do unanimously concur with me in Opinion, that the taking upon myself a Power to recommend or direct what Courts shall or shall not take Cognizance of this or any other Cause, may not only be of bad Example to succeeding Governours, but be of the most dangerous Consequence to the Liberties of the People; and I am perswaded that when you have Coolly reconsider'd the Matter you will be of the same Opinion.

GEO. THOMAS.

Nov. 6th, 1742.

To the Assembly Concerning the Support of the Governor.

GENTLEMEN:

It is now more than two Years since any Provision has been made by the Assemblys of the Province for the support of Government, tho' my Publick Character has been maintained Partly at the Expence of my Private fortune.

As I am not Conscious of the least failure in my Duty to his Majesty or to the Honble the Proprietaries, and shall be at all Times willing to give the Amplest Proofs of my regard for the Peace and Prosperity of the People You represent, I promise my self that You, on your parts, will Act so as to deserve the Name which the Hopes of all good Men have designed You, Of the Healing Assembly.

GEO. THOMAS.

Janry. 8th, 1742-3.

To the Assembly Concerning an Act for the Relief of the Heirs of Unnaturalized Foreigners.

GENTLEMEN:

As the Bill entitled an Act for the Relief of the Heirs, Devisees, and Assigns of Persons born out of the King's Leigance, &c., seems to me to affect the Rights of the Honble the Proprietors, I think my self obliged in Duty and Justice to make them acquainted with it, and shall therefore decline any Observations of my own upon it until I receive theirs; since they have not taken any Advantage hitherto of the Heirs of such fforeigners as have bona fide purchased and paid for Lands and have died unnaturalized, future severities are the less to be apprehended from them.

Upon a Review of the King's attorney and sollicitor Generals' Report on a Supplementary Act prescribing the forms of Declaration of ffidelity, &c., passed since my coming to the Government, and his Majestic's Disallowance of it, I am of Opinion that a Naturalization Bill in the Method Usual here, or a Bill with a particular designation of all the Religious Societies of fforeigners that conscientiously refuse the taking any Oath, will

be more likely to receive the Royal Approbation than the Bill now before me, as either of them will be less dangerous to Society in General, and be more Conformable to the British Acts of Parliament.

GEO. THOMAS.

Janry. 12th, 1742-3.

To the Assembly Concerning Some Recent Indian Disturbances.

GENTLEMEN:

As the safety of our back Inhabitants in particular, & the quiet of the Province in general, may be affected by the late unhappy Action between some of the Inhabitants of the upper part of Virginia and a Party of Indians of the Six Nations, I think it highly Proper as you are now sitting to lay the Matter so far as it had yet come to my Knowledge before you, and I have therefore order'd my Secretary to deliver to you a Copy of Thomas Mc'Kee's Deposition taken Yesterday in council. I cannot learn that in the March of these Indians through our Settlements they offer'd any violence, from whence and from their long approved ffaith in Treaties I am the less apprehensive of their intending any thing in Violation of that held here the last Summer. But of the Shawna's I am far from entertaining the same favourable Sentiments (although they likewise have received considerable presents from us, & are bound to us in a League of ffriendship) as they are known to have a Strong attachment to the fFrench, to be a perfidious people, and to have render'd themselves justly to be suspected by their Behaviour in many Instances, as well as in the present with regard to M'Kee.

To prevent the flame from spreading Wider, I proposed to dispatch a Messenger to Conrad Weiser, the Province Interpreter, with Directions to proceed forthwith to Shamokin, and there to take the most proper Measures for giving the Indians of the six Nations, and all others in Alliance with Us, the Strongest Assurances, in my Name, of the continuance of our friendship so long as they shall maintain it on their Parts, tho' I confess it will be a very nice Affair should they, in the prosecution of their Revenge, attempt to pass thro' the inhabited Parts of this Province to make War on our fellow-Subjects of Virginia. I doubt not of your giving the proper Orders to the Treasurer for defraying what Expences shall be incur'd on this occasion.

As I am likewise inform'd that this accident had render'd the Inhabitants on the other side of Sasquehannah extremely uneasy, & Jealous of all Indians, I shall endeavour to quiet their Mind, and forbid them offering Violence to any unless it shall become absolutely necessary in their own Defence.

January 25th, 1742-3.

Letter to Conrad Weiser Touching the Relations of the Province to the Six Nations.

Philada., Janry. 26th, 1742-3.

MR. WEISER:—

I hoped that our last Treaty with the six Nations would have made Us easy for some Time to come as to all Indian Affairs, but you will see by the inclosed Deposition, made before me in Council by Thomas M'Kee, that if things are not prudently managed we may chance to be involved in the Consequences

of their resentment against the People of Virginia. M'Kee's Account is the Indian side of the Story, who have no doubt been Artful enough to make their own Cause as good as they could; but some White People lately come down from Lancaster, & who say they had it from some that live near the Place where the Action happen'd, tell Us that altho' the Indians behaved very peaceably in their Journey through Pennsylvania, so soon as they got into Virginia they fell to killing the Inhabitants' Cattle & Hogs, and Shot one Man's Mare, and by that Means were themselves the Occasion of the Misfortune which follow'd. They add further, that the Virginia Capt. upon his Approach to the Indians hung out a White flag, in order to a Parley with them, but they fir'd & killed him & some of his Men before one Shot was fir'd by his party. I shall not take upon me to determine which of the Accounts is the truest, but as I have received a short Letter from Shickcallamy's Son, desiring my Advice in the Case, and it is my Duty not only to preserve peace in my own Government, but to be the Instrument, as far as lyes in my power, of restoring it to any other of his Majestie's Subjects, I desire that you will forthwith proceed to Shamokin, and there Concert Measures with Shick Calamy to inform the six Nations, the Shawnees, and all the Indians that are in Alliance with Us, that we shall continue to be faithful to our Treatys with them so long as they observe them on their parts, that we are extremely sorry for the Accident that has happen'd, that we wish the six Nations would rather endeavour to accomodate the Matter with the Governor of Virginia in an Amicable Way than make the breach wider by having recourse to Arms, and that I shall be glad to contribute all I can to bring it about. These are my Sentiments; but as you are well acquainted with Indian affairs in General, and are now as fully informed of this particular as I am, I leave it to your own Judge-

ment how far it may be proper for You as our Agent to proceed in it. I think it not improper to observe to you, by the by, that it will be a very nice affair should the Indians attempt to pass through any of the inhabited parts of this Province to make War upon our fellow Subjects in Virginia. They will expect provisions, &c., as usual from the Inhabitants, and if they are denied them, which it will be the Duty of every Man in that Case to do, it is not improbable but they may resent it in their usual Barbarous manner, and force Us into the War too. I wish it were safe to forbid them from passing through our Settlements in any of their Wars to the Southward. What is the Reason the Six Nations have not returned an Answer to the Maryland Invitation to a Treaty? It does not look well. I do not doubt but our back Inhabitants are very much alarmed at the late unhappy Skirmish in Virginia, and I am not without Apprehensions of their falling upon some of the Indians as they did once before; but it will be very much in your power to quiet their Minds by informing them of our late Treaty with the six Nations, and that there is not the least reason to apprehend any Injury from them or any other Indians at this Time.

I think I need not say any thing more to you who know so much, but that I will do all I can to procure you an handsome Reward for the Trouble and ffatigue you must necessarily undergo in the prosecution of this Matter at this Bad Season of the Year.

I am Your very sincere ffriend & well Wisher.

P. S. Since I wrote the foregoing I have received an Answer to a Message I sent to the Assembly which is now sitting on the Occasion, and they not only agree to what I proposed, Of giving Assurances to all the Indians of our maintaining our ffriendship with them, and the Offer of my Mediation to them, but desire likewise yt I will make the same Offer to the Governor of Virginia; they give me assurance also of defraying all the Expences that shall be incurred on this Occasion.

Remarks to the Assembly upon the Receipt of Orders
for Fifteen Hundred Pounds.

I THANK YOU GENTLEMEN FOR THIS INSTANCE of your Regard, which I am the more pleased with as it gives an agreeable Prospect of future Harmony between me & the Representatives of the People; But a good Understanding between the two Branches of the Legislature, is not alone what I aim at. It is my hearty Desire that all Party Animosities may be laid aside, that all Differences on this Account between one Man & another may Cease, and that all may Unite in promoting the true Interests of the Country.

Speech to Two Onondago Messengers and to Olumapies, the Delaware Chief.

BRETHREN:

I am well pleased with the Answer my Brethren the Council of the six Nations sent to me from Onondago. I return them Thanks for the Confidence they put in me, and I will continue to use my good Offices according to their Request; And I do not in the least doubt but their Answer will be Agreeable to the Governor of Virginia, to whom I will send a Copy of it with all Expedition.

Brother Olumapies, the Delaware Chief:

You that keep your fire at Shamokin, what you said to me Yesterday concerning my Message to your Uncles the six Nations, my Brethren, and their Answer to it is very true, and I am glad that you seem to rejoice at our good Understanding. I take your Message kindly, and thank you for it, and I will continue my Mediation till every thing concerning your Uncles &

the Virginians be brought to a good Understanding; And I will, with the People of Pennsylvania, always take Care of the Claim of Friendship subsisting between Us & the Six Nations. I am sorry that your Uncles have occasion to find fault with your or our back Inhabitants' behaviour in spreading false Stories amongst the Indians, and I hope you will take good Notice of what they said to you about it in my Presence. In return of Yours, and in Confirmation of what I here say, I give you this Belt of Wampum."

Letter to the Governor of Virginia Concerning Certain Difficulties of the Virginians with the Indians of the Six Nations.

Philada., April 25th, 1743.

S^R.:

As I made an Offer of my Mediation to the Indians of the six Nations immediately after I was inform'd of their unhappy Skirmish with some of the Inhabitants of the back parts of your Government, and you have been since pleased, in your Letter of the 8th of February Last, to signify to me that my good Offices would be acceptable. I now transmit by a special Messenger a Copy of the Report made by our Indian Interpreter (who is a Man of great probity and a thorough Knowledge in Indian Affairs), on the several Matters he was charged with. Shikellimo came down with him to this Town & confirm'd the whole by word of Mouth, before the Council here, and as he is a person of Consequence, & Indians always expect to be well rewarded for their Trouble, I have taken care to send him & his fellow Travellers home well Satisfied. As the Answers of the six Nations, in what relates to Virginia, is very

far from breathing a Spirit of Revenge, I cannot but promise my self that it will prove satisfactory to you, and consequently that I shall have the pleasure of having been in some Degree instrumental as well in preventing a further Effusion of Blood, as in restoring a friendship which the policy of his Majestie's Colonies in this part of his Dominions has at all times cultivated with great Care and Expence, and seems to me more particularly necessary in this Critical Juncture; from the Interpreter's private Conversation with Shikellimo, you will observe that the six Nations insist upon the Virginians having been the Agressors; And to be plain, from all the Circumstances I have been able to Collect, I am of that Opinion. Had Mr. Pattin been himself in the Action, his Letter, from the Character you give him, would have had greater weight with me, tho' there are some Things in it that upon a Strict Examination appear inconsistent & improbable; but as he received his information from others who found it necessary to lay the Blame on the Indians to excuse their own Rashness, his Veracity is no ways concerned, And if the Inhabitants of the back parts of Virginia have no more Truth and Honesty than some of ours, I should make no Scruple to prefer an Iriquois' Testimony to their's. The Indians own that they kill'd some Hoggs to assuage their Hunger, which, joined to their Threats last year in Case they were not paid for their Lands, seems to me to have been the fatal Cause of the Skirmish. Had they design'd Hostilities, it is not probable they would have trusted themselves in any of the white Inhabitants' Houses, as some of them did upon their Invitation, tho' only with a design to secure them. I shall not enter into a more particular Examination of the facts, as I cannot Doubt but you have been since very fully inform'd of them. Nothing now remains but to take the Hatchet out of their Heads—that is, I suppose, to send Commissioners to Albany to declare

your Concern for the rashness of your remote Inhabitants, and at the same time to make them a present. This done, they will enter into a friendly Treaty with you about the Land when they Treat with the Governor of Maryland at Harris' ferry on Sasquehannah, which will be next Spring. Whatsoever measures you shall think fit to take, I am sure & Confident they will be the most prudent and equitable, but you will give me Leave to insist that as the six Nations have suspended their Resentment & have order'd their friends to lay aside their Arms at my request, you will be pleas'd to take the most effectual Measures on your part to prevent Hostilities from being exercised against them until you shall have signified your Resolutions to me. The Messenger is order'd to wait your own Time for an Answer, which I shall not fail to Transmit forthwith to Shamokin in Order to its being Convey'd to the Indian Council at Onondago. If it shall be thought that I can be further serviceable, you may use the Greatest freedom in laying Your Commands upon me as I am, &c.

Instructions for Conrad Weiser to the Indians of the Six Nations.

YOU ARE FORTHWITH TO PROCEED FOR Onondago, and there You are to acquaint the Chiefs of the six Nations met in Council,

That the Governor & Council of Virginia have express'd an intire Satisfaction in my Mediation, and have very thankfully acknowledg'd my Services in healing the Breach occasion'd by the late unhappy Skirmish between some of their back Inhabitants and some Indians of those Nations;

That they have given the Strongest Assurances that no fresh Hostilities shall be exercised agt. them;

That they have requested the Continuance of my good offices, and that I would send You, as being a Person in whom I can confide, to desire them to receive through my Hands a Present from that Governmt. Of one hundred Pounds Sterling Value in such Goods as I think proper, as a token of their sincere Disposition to preserve Peace and friendship with them, and as an earnest that they will not fail to send Commissioners next Spring at the Time and to the Place that shall be agreed upon to treat with them concerning the Lands in Dispute;

That the said one hundred Pounds Sterling is already lodged by the Governor of Virginia in my Hands for that Purpose, and shall be laid out in such Goods as shall be most agreeable to them;

And Lastly, after you are perfectly well Satisfied of the like good Dispositions in the Indians of the six Nations, and they have Consented to accept of the present Offer'd, You are to agree with them upon the Time and Place of meeting next Spring for treating with the Government of Virginia concerning the Lands in Dispute.

Given under my Hand & the Lesser Seal of the Province of Pennsylvania, this 18th day of June, 1743.

To the Assembly Concerning the Governor's Mediation between the Government of Virginia and the Six Nations Indians.

GENTLEMEN:

I have now the Pleasure to tell You that my Mediation between the Government of Virginia & the Indians of the six Nations has been so far attended with Success that nothing Seems wanting but the

form of a treaty to reconcile their Differences, as well on Account of the Late unhappy Skirmish as of the Lands claimed by those Indians, which both parties are desirous should be held next Spring, and have given me the strongest Assurances that no Acts of Hostility shall be committed in the Mean time. The Governor of Maryland has likewise promised that Satisfaction shall be made them for their Lands settled by the People under his Government. I can truly say that I have spared no Pains, for no Pains can be too great to accomplish so desireable a work as that of Peace, and I assure myself from thence of Your and every Man's Approbation that has any Sentiments of Humanity or knows how to Value the Reputation or Security that will attend this Government from its becoming the Reconciler of our Neighbour's Quarrels. To avoid prolixity and for your more particular Information & Satisfaction, I have order'd Copies of the most material Transactions in this Affair to be laid before You.

As this has generally been the Season for finishing the Business of the Year, it may not be improper to put you in mind that there are still some things undone which immediately concern the Interests of the Publick: I for my Part shall be glad of this and every other Opportunity of demonstrating my willingness to do every thing that can reasonably be expected of me.

GEO. THOMAS.

Aug. 2, 1743.

To the Assembly Concerning Measures to Put the Province in a Proper Posture of Defence in Case of a Rupture with France.

GENTLEMEN:

I take this first Opportunity of laying before you a Letter, which I received by the Hawk Man of War, arrived Express at Boston, with Despatches

to the several Governors of his Majestic's Colonies on the Continent of America.

You will observe that their Excellencies "the Lord's Justices, having taken into Consideration the present uncertain State of Publick Affairs and the Danger that his Majestic's Dominions in America may be exposed to from any sudden Attempt that might be made upon them in Case a Rupture with France should ensue, in Consequence of the Steps which his Majesty has already taken in Support of the Queen of Hungary and the Common Cause, and the Vigorous Measures which the King is pursuing in all Parts for the same End, unless timely care be taken to put the same into a proper Posture of Defence," Have been pleased to Direct, "that I should employ the most effectual Means for putting the Colonie under my Command in the best Posture of Defence that shall be possible, and that I should be constantly upon my Guard against any Surprise from any Quarter whatsoever."

All that is now possible for me to do is to Issue a Proclamation requiring the Inhabitants to prepare themselves in the best manner they can to repel any Attack that may be made upon Us, And to commission the best qualified to Levy, Muster, and Train them. Upon you it lies to prepare a Bill for obliging them to appear well Armed and Accoutred at convenient Stated Times for their Instruction in Military Discipline, and whenever else it shall be necessary for the Defence of the Province; And as the Disposition of the Publick Money is in You, it should be your Care likewise to provide a Stock of Arms and Ammunition, as well to make some Provision for the security of our back Inhabitants against Inroads from the French Indians, And of this City, upon which the Trade of the whole Province chiefly depends, against any Attempt that may be made upon it from the Sea.

GEO. THOMAS.

Nov. 14, 1743.

To the Assembly Concerning the Support of the Governor.

GENTLEMEN:

As I have not taken upon me to limit any Assembly to a time for their Consultations on Matters recommended either of my self or by the Directions of the highest Authority, I have the more right to Expect a like freedom from You. I think my self likewise at liberty to give reasons or not as I shall think fit for my Approbation or Disapprobation of any Bills that have been or shall be laid before me. In due time, however, I may perhaps send you my Observations or Amendments to that for the new appointment of Trustees of the General Loan Office of Pennsylvania, and for making Current ten thousand Pounds in new Bills of Credit to Exchange such of those now by Law current as are torn and defaced. I am highly obliged to you for the Assurance you have been pleased to give me of making an honourable Provision for my Support, but an Expression so general is liable to different Constructions; some may think that an Honourable Support which in my Opinion it may be dishonourable for me to accept. There is a Justice due from the publick to me under my present Character, as well as a Justice due from me to the Publick. I am thoroughly disposed to discharge my Duty, and I promise my self that you will be as willing to put a finishing hand to the good work that was begun last year; So that being free from all differences amongst ourselves, We may be the more at liberty to attend the Publick Interests in a Conjunction so Critical.

6th December, 1743.

Further to the Assembly Concerning the Proper Posture of Defence.

GENTLEMEN:

I communicated to you at your last meeting a Letter from the Lords' Justices, directing me "To put the Colony under my Command into the best posture of Defence possible." I have since received another Letter, which is now laid before you, further directing me "To put the Forces belonging to his Majesty's Province under my Government into Such a Condition as to be able not only to Repel the French Forces if they should attack the said Province, but likewise to be in a Condition if it should become necessary to attack them." Their Excellencies, were, undoubtedly, at the time of writing these Letters in expectation of some Event which would have brought on a Rupture with France, probably that of Prince Charles of Lorraine's passing the Rhine with the Army under his Command, and joining that Commanded by his Majesty in Person. If a War with France was then Expected, and an attack upon some of the French plantations in America was then meditated, What are We to Expect after Our Mother Country has been threatened with an Invasion by a French Power in favour of a Popish Pretender? His Majesty's Vigilance, and the Zeal and affection of his Parliament, seem, indeed (under God) to have already defeated that dangerous and insolent Attempt; and may the Attempts of his Majesty's Enemys, and the Enemies of Our Religion and Liberties in all times to come, be defeated. But it is likely matters will stop here? Is it not more Probable that War will be soon denounced against that perfidious nation; and since Our Distance renders us unserviceable to his Majesty's and the British Cause in Europe, that We shall be called upon for Our Assistance towards humbling the haughty Enemy in America? The con-

juncture, Gentlemen, is extremely Critical. The method proposed by me at your last meeting for defending ourselves, will put us in a Condition, which it shall be required of us, to annoy our Enemies.

GEORGE THOMAS.

May the 8th, 1744.

To the Assembly Concerning the Action in Connection with a Murder Committed by Certain Delaware Indians.

GENTLEMEN:

Mr. Cookson's Letter to me, which I have ordered to be laid before you, will fully inform you of the barbarous Murders perpetrated by three of the Delaware Indians upon John Armstrong, an Indian Trader, and his two Servants. Shick Calamy and the Indians settled at Shamokin, upon Information given by the Brother of the deceased, and some others, apprehended two of the Murderers and sent them down to the Inhabited part of the Country; but one only of them was delivered up, the other having been permitted by the Indians that had the Custody of them to make his Escape. The first was committed to Lancaster Goal; but upon notice giving me of it, thinking that he might not be altogether Secure in the Neighbourhood of the Indians, that it might be of use towards the Conviction of his Accomplices to defer his Tryal till they should be apprehended, and that it might give some uneasiness to the Indians to be presented with such a Scene at the Place appointed for settling their Differences with the Governments of Virginia and Maryland, I, with the advice of the Council, ordered him to be convey'd under a Guard to the Goal in this City where he now lyes.

And that the Reputation of the Government, the safety of the Back Inhabitants, and the Trade of the Province with the Indians, may not in the future be affected by any Remissness in the Prosecution of this affair, I sent orders to Conrad Weiser to set out immediately for Shamokin, and there to make a Peremptory Demand in my Name for the other two Murderers; and that Shick Calamy and the Indians there do order immediate Search to be made for the Goods of which the deceased was robbed, in order to their being put into the Hands of his Brother for the satisfaction of his Creditors or the Support of his family; And at the same time to Inform them that I design to send a Message to the Chiefs of the Indians which shall meet at Lancaster on the Treaty with Our Neighbouring Governments, desiring them to depute some of their Number to be present at the Tryal and at the Execution of such as shall be found Guilty.

Conrad Weiser has had a great deal of Trouble with Indian affairs within these few months, which, with his Fidelity and Capacity, I think intitles him to an handsome Reward from the Publick, and I do not doubt but you will give it him.

May 15, 1744.

To the Assembly Concerning the Settlement of the Indian Murder Affair, the imminent Hostilities with France, and the Renewal of the Excise Bill.

GENTLEMEN:

I have had your Message of the fifteenth Instant under Consideration. After the Trouble and Pains I have taken to reconcile the Neighboring Gov-

ernments and the Indians of the six Nations, no man can doubt of my Zeal for the Good of the Publick. You yourselves, if I may be allow'd to Judge from your Messages, have been sensible of it. But my presence at the ensuing Treaty does not appear to me to be either so necessary or convenient as you think it. My Mediation was offered to prevent future Hostilities between the Government of Virginia and those Indians, and to settle the Time and Place of their Meeting for a Treaty; both which have been happily effected. The Governor of Virginia is not to be at the Treaty himself, nor has he desired it of me, from whence I have Reason to conclude that my Interposition will be thought by the Commissioners from that Government rather impertinent than necessary. The Government of Maryland has engaged to make the Indians satisfaction for some Lands claimed by them; So nothing remains to be done on that Head but to agree on the Value of those Lands, in which that Governor has not asked any Assistance of mine. As to the Murder of Armstrong and his two Men, since the Criminal is now in Goal, and it appears not improbable to you that he was the only Person who Committed the barbarous facts, a Message from me to the Chiefs of the Indians at Lancaster, insisting upon the Restoration of the Goods belonging to the Deceased, Seems to me to be all that is now necessary. But what more particularly determines me against the Journey at this Time, is a Letter I was Yesterday honoured with from the Governor of New York, enclosing a Transcript from the London Gazette, which by my order was immediately laid before you. From hence it is not be Doubted but that a Warr against France is declared, and that His Majesty's orders and Instructions thereupon are on the way to his Several Governors upon the Continent of America; And I think I shall be more in my Duty to attend their Arrival in this

City, where I may better concert Measures with the Council, and issue such orders as shall be immediately thought requisite for the Security of this his Majesty's Colony. As you have hitherto refused to make any Provision against an Event which has been generally foreseen, and particularly mentioned by their Excellencies the Lord's Justices in his Majesty's absence from his British Dominions, I fear I am to expect little from you. In that Event, however, I shall think it my Duty to call you together, that in case of your Perseverance in so dangerous a Resolution, I may give his Majesty an Account of Our Defenceless Condition, and, agreeable to his Royall Instruction now before me, of what I apprehend is necessary for the Security of the Province.

I do concur with Your Message of the Seventeenth Instant that it will be for the Interest of your Constituents to Renew the Excise Bill; and my Reason is, that you may be thereby Provided with Money, without a General Tax on the Inhabitants, not only to Purchase, Arms, Ammunition, &c., for your own Defence, but to answer such Demands as may be made upon you by his Majesty for Distressing the publick Enemy in America. And if you will expressly appropriate the Sums arising from the Excise to these Purposes, I will most cheerfully pass the Bill, and give up my own Arrears, tho' so justly due to me—the Support of the Government having been the Principal foundation both of the Excise and Paper-money acts.

GEO. THOMAS.

May the 18th, 1744.

Proclamation Concerning the Attitude of the Province in the War against France.

BY THE HONOURABLE GEORGE THOMAS, Esqr., Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of New Castle, Kent, and Sussex, on Delaware.

"A PROCLAMATION.



Whereas, His Majesty from a just Resentment of the Grossest and most indecent Misrepresentations and Reflections upon his Majesty's Conduct, contained in the French King's Declaration against his Majesty, hath by his Declaration dated at St. James', the 29th Day of March last, declared War against the French King: And Whereas, His Majesty hath Signified to Me that It should be Proclaimed in the Province under my Government, that His Subjects having this Notice may take care to prevent any Mischief which they might otherwise suffer from the Enemy, and do their duty in their several Stations to distress and annoy the Subjects of the French King; and the said Declaration hath been this day Proclaimed accordingly: I do, with the Advice of the Council, issue this Proclamation, strictly enjoyning and requiring all His Majesty's Subjects in this Province capable of bearing Arms, forthwith to provide themselves with a Good Firelock, Bayonet, and Cartrouch Box, and with a Sufficient Quantity of Powder and Ball, that they may be prepared not only to defend this His Majesty's Province and their own Persons, Families, and Estates, but to annoy the Enemy in case it shall be thought proper to attack them; and that they do pay due obedience to such Orders as they shall from time to time receive from me for these Ends, or from such Officers as have been or shall be by me appointed to command them.

And *Whereas*, His Majesty hath been pleased to direct that I be very rigorous and severe in preventing any Ammunition or Stores of any kind from being carry'd to the Enemy, I do hereby Declare that in case any of His Majesty's Subjects under my Government shall be found carrying or transporting any Arms, Powder, Ammunition, or Stores to, or holding any Correspondence or Communication with the Subjects of the French King, they shall be most rigorously and Severely Prosecuted and Punished for the Same. And the Collectors of his Majesty's Customs, Naval Officers, and all other Officers whatsoever, are hereby required to be very diligent and Circumspect in their Several Stations, in order to prevent or discover such Practices.

And *Whereas*, It is His Majesty's further Pleasure that I do every thing in my Power to encourage the fitting out Ships to Act as Privateers against the Enemy, and that I do take all Opportunitys, as far as depends upon me, to distress and Annoy the French in their Settlements, Trade, and Commerce, His Majesty having already issued his Royal Proclamation for the Distribution of Prizes taken by his Ships of War or Privateers, I do invite all His Majesty's Subjects under my Government to receive the Benefit of this most gracious Declaration, by fitting out such Privateers, Which will not only be greatly for His Majesty's Service, but may bring great advantages to the Adventurers themselves. And being my self most heartily disposed to do every thing that may be for his Majesty's Honour and the Interest of this Province, I do hereby Declare that I will most readily give all the Encouragement and Assistance that in me lyes to every such undertaking.

Given under my Hand and the Great Seal of the Province of Pennsylvania, at Philadelphia, the Eleventh day of June, in the Eighteenth year of His Majesty's

Reign, and in the Year of Our Lord, One thousand seven hundred and forty-four.

GEO. THOMAS.

By Command.

Richard Peters, Sec'ry.

GOD SAVE THE KING.

Speech to the Commissioners of Virginia and Maryland and the Deputies of the Six Nations Indians.

HONOURABLE GENTLEMEN, COMMISSIONERS
of the Governments of Virginia and Maryland,
And Brethren Sachims, or Chiefs of the Indians of the Six Nations—

At a Treaty held by me two Years ago, in Behalf of the Government of Pennsylvania, with a Number of the Chiefs of the Indians of the Six Nations, I was desired by them to write to the Governor of Maryland concerning some Lands in the Back Parts of the Province which they claim a Right to from their Conquests over the Antient Possessors, and which have been settled by some of the Inhabitants of that Government without their Consent or any Purchase made from them. It was at that time understood that the Claim was upon Maryland only, but it has since appeared by some Letters formerly wrote by Mr. President Logan to the late Governor of Maryland that it related likewise to some Lands in the Back parts of Virginia. The Governors of those Colonies soon manifested a truly equitable Disposition to come to any Reasonable Terms with the Six Nations on Account of those Lands, and Desired that for that End a Time and Place might be fixed for a Treaty with them. But before this could be effected, an unfortunate Skirmish happen'd in the Back

Parts of Virginia, between some of the Militia there and a Party of the Indian-Warriors of the Six Nations, with some loss on both sides. Who were the Aggressors is not at this time to be discussed—both Parties having agreed to bury that affair in oblivion; and the Government of Virginia having, in token of the continuance of their Friendship, presented the Six Nations, through my hands, with Goods to the value of one hundred pounds sterling. To prevent further Hostilities and to heal this Breach, I had, before the Present was given, made a tender of my Good offices, which both Parties accepted, and consented, on my Instances, to lay down their Arms; since which the Faith pledged to me has been mutually Preserved, and a Time and Place has been agreed upon through my Intervention for accomodating all Differences, and for settling a firm Peace, Union, and Friendship, as well between the Government of Virginia as that of Maryland and the Indians of the Six Nations.* The Honourable the Commissioners for these two Governments and the Deputies of the Six Nations are now met at the Place appointed for the Treaty. It only remains, therefore, for me to say, that if my farther good Offices shall be thought usefull for the accomplishment of this Work, you may Rely most assuredly upon them.

But I hope, Honourable Gentlemen Commissioners, it will not be taken amiss if I go a little further, and Briefly represent to you how especially necessary it is at this Juncture, for His Majesty's Service and the Good of all His Colonies in this Part of His Dominions, that Peace and Friendship be established between Your Government and the Indians of the Six Nations.

These Indians by their Situation are a Frontier to some of them, and from thence, If Friends, are Capable of Defending their Settlements; If Enemies, of making

*This was allow'd at a Conference had by the Governor with the Commissioners to be a just state of the Transactions preceeding the Treaty.

Cruel Ravages upon them; If Neuters, they may deny the French a Passage through their Country, and give us timely Notice of their Designs. These are but some of the Motives for cultivating a good Understanding with them, but from hence the Disadvantages of a Rupture are abundantly evident. Every advantage you gain over them in War will be a Weakening of the Barrier of those Colonies, and Consequently will be in Effect Victories over yourselves and your Fellow-Subjects. Some allowances for their Prejudices and Passions, and a Present now and then for the Relief of their Necessities, which have in some measure been brought upon them by their Intercourse with Us, and by our yearly extending our Settlements, will probably tie them more closely to the British Interest. This has been the Method of Newyork and Pennsylvania, and will not put you to so much Expence in Twenty Years as the carrying on a War against them will do in One. The French very well know the Importance of these Nations to Us, and will not fail by Presents and their other usual Arts to take advantage of any Misunderstandings we may have with them.*

But I will detain You, Gentlemen, no longer. Your own Superior knowledge will suggest to You more than I can say on this Subject.

Friends and Brethren Sachims or Chiefs of the Indians of the Six Nations:

There, Your Brethren of Virginia and Maryland, are come to enlarge the Fire, which was almost gone out, and to make it burn clearer to brighten the Chain which had contracted some rust, and to renew their Friendship with you which it is their desire may last

*The two preceeding Paragraphs were allow'd by the Commissioners of Virginia, whilst they were at Philadelphia, to be very Proper to be spoken by the Governor of Pennsylvania at the opening of the Treaty, but taking up an opinion from what passed at the first Friendly Interview with the Indians, that they would not make any claim upon Lands within the Government of Virginia, the Governor consented to decline speaking to them in the Presence of the Indians.

so long as the Sun, the Moon, and the Starrs shall give light. Their Powers are derived from the Great King of England your Father, and whatever conclusions they shall come to with you will be as firm and Binding as if the Governors of these Provinces were themselves here. I am your Brother, and which is more, I am your true Friend. As you know from Experience that I am so, I will now give you a few words of Advice: Receive these your Brethren with open Arms; Unite yourselves to them in the Covenant Chain, and be you with them as one Body and one Soul. I make no doubt but the Governor of Canada has been taking pains to widen the Breache between these your Brethren of Virginia and you; but as you cannot have forgot the Hatred the French have always borne to your Nations, and how kindly on the contrary you have been treated, and how Faithfully you have been protected by the Great King of England and his Subjects, you will not be at a loss to see into the Designs of the Governor. He wants to Divide you from Us, in order the more easily to destroy you, which he will most certainly do if you suffer yourselves to be deluded by him.

As to what relates to the Freindship establish'd between the Government of Pennsylvania and your Nations, I will take another day to speak to you upon it.

June 25th, 1744.

Speech to the Six Nations Deputies.

FRRIENDS AND BRETHREN OF THE SIX NATIONS—

I am always sorry when any thing happens that may Create the least uneasiness between us, but as we are mutually engaged to keep the Road between Us

clear and open, and to remove every obstruction that may lie in the way, I must inform you that three of the Delaware Indians lately Murdered John Armstrong, an Indian Trader, and his two men, in a most barbarous manner, as he was traveling to Allegheny, and stole his Goods of a considerable value. Shick Calamy and the Indians settled at Shamokin did well; They seized two of the Murderers and sent them down to Our Settlements, but the Indians who had Charge of them afterwards suffered one of them to Escape on a Pretence that he was not concerned in the Bloody deed. The other is now in Philadelphia Goal. By our Laws all the Accessaries to a Murder are to be Tryed and Put to Death as well as the Person who gave the Deadly wound. If they consented to it, encouraged it, or anywise assisted in it, they are to be put to Death, and it is just they should be so. If, upon Tryal, the Persons Present at the Murder are found not to have done any of these things, they are set at liberty. Two of Our People were, not many years ago, publicly put to Death for killing two Indians. We therefore expect you will take the most effectual Measures to Seize and deliver up to Us the other two Indians present at these Murders, to be tryed with the Principal now in Custody. If it shall appear upon their Tryal that they were not advising nor any way Assisting in this Horrid Fact, they will be acquitted and sent home to their Towns. And that you may be satisfied no Injustice will be done to them, I do now Invite you to Depute three or four Indians to be present at their Tryals. I do likewise expect that you will order Strict search to be made for the Remainder of the Stolen Goods, that they may be restored to the Wife and Children of the Deceased. That what I have said may have its due Weight with you, I give you this String of Wampum.

June 28th, 1744.

A Second Speech to the Deputies of the Six Nations
Indians.

BRETHREN—

I am glad to find that you agree with me in the necessity of keeping the Road between us clear and open; and the Concern you have expressed on Account of the Barbarous Murders mentioned to You, is a Proof of Your Brotherly affection for Us. If crimes of this Nature be not Strictly enquired into, and the Criminals Severely Punish'd, there will be an end of all commerce between us and the Indians, and then you will be altogether in the Power of the French; They will set what Price they please on their own Goods, and Give you what they think fit for your Skins, so it is for your own interest that our Traders should be safe in their Persons and Goods when they Travel to your Towns.

Brethren:

I consider'd this matter well before I came from Philadelphia, and I advised with the Council there upon it, as I have done here with the Honourable the Commissioners of Virginia and Maryland. I never heard before of the Murder of Three Indians at Ohio; had complaint been made to me of it, and it had appeared to have been committed by any of the People under my Government, they should have been put to Death, as two of them were two years ago for killing two Indians. You are not to take your own satisfaction, but to apply to me and I will see that Justice be done you; and should any of the Indians rob or murder any of our People, I do expect that you will deliver them up to be tryed and Punished in the same manner as White people are. This is the way to preserve Friendship between us, and will be for your benefit as well as our's. I am well pleased with the Steps you have already taken, and the Reproofs you have given to your

Cousins the Delaware, and do expect you will lay your Commands upon some of their Chiefs to bring down the two Young men that were present at the Murders. If they are not brought down, I shall look upon it as a Proof of their Guilt. If upon Examination they shall be found not to have been concerned in the Bloody Action, they shall be well used and sent home in Safety. I will take it upon my self to see that they have no Injustice done them. An Inventory is taken of the Goods already restored, and I expect satisfaction will be made for such as cannot be found in Skins, according to their Promise.

I well remember the coming down of one of the Conoy Indians with a Paper setting forth That the Conoys had come to a Resolution to leave the Land reserved for them by the Proprietors, but he made no complaint to me of ill usage from the White people. The reason he gave for their removal was, that the Settling of the White people all around them had made Deer Scarce, and that therefore they chose to remove to Juniata for the Benefit of Hunting. I ordered what they said to be entered in the Council Book. The old Man's Expences were borne, and a Blankit given him at his Return home. I have not yet heard from the Proprietors on this head, but you may be assured, from the favour and Justice they have always shewn to the Indians, that they will do everything that can be reasonably expected of them in this case.

July 2d, 1744.

A Third Speech to the Deputies of the Six Nations

FRRIENDS AND BRETHREN OF THE SIX NATIONS—

At a Treaty held with many of the Chiefs of your Nations two years ago, the Road between us was

made Clearer and Wider; Our Fire was enlarged and our Friendship confirmed by an Exchange of Presents and many other Mutual Good Offices.

We think ourselves happy in having been Instrumental to your meeting with our Brethren of Virginia and Maryland. And we persuade ourselves that you on your Parts will always remember it as an Instance of our good will and affection for you. This has given us an opportunity of seeing you sooner than perhaps we should otherwise have done; and as we are under mutual Obligations by Treaties, we to hear with Our Ears for you, and you to hear with your Ears for us, We take this opportunity to inform you of what very nearly concerns us both.

The Great King of England and the French King have Declared War against each other. Two Battles have been fought, one by Land and the other by Sea. The Great King of England Commanded the Land Army in Person, and gained a Compleat Victory. Numbers of the French were killed and taken Prisoners, and the rest forced to pass a River with Precipitation to save their Lives. The Great God covered the King's head in that Battle, so that he did not receive the least hurt, for which you as well as we have reason to be very thankfull.

The Engagement at Sea was likewise to the Advantage of the English. The French and Spaniards joined their Ships together and came out to Fight us. The brave English Admiral burnt one of their largest Ships, and many others were so shatter'd that they were glad to take the opportunity of a very high wind and a dark Night to run away and to hide themselves again in their Harbours. Had the Weather proved fair he would in all probability have taken or destroyed them all.

I need not put you in mind how much William Penn and his sons have been your Friends and the Friends of all the Indians; you have long and often experienced

their Friendship for you, nor need I repeat to you kindly you were treated, and what valuable Presents were made to you two years ago by the Governor, the Council, and the Assembly of Pennsylvania. The Sons of William Penn are all now in England, and have left me in their place, well knowing how much I regard you and all the Indians. As a fresh proof of this, I have left my House and am come thus far to see you, to renew our Treaties, to brighten the Covenant Chain, and to confirm our Friendship with you. In testimony whereof I present you with this Belt of Wampum. Which was received with the Jo-hah.

As your Nations have engaged themselves by Treaty to Assist Us, your Brethren of Pennsylvania, in case of a War with the French, we do not Doubt but you will punctually perform an Engagement so solemnly entered into. A War is now declared, and We expect that you will not suffer the French or any of the Indians in Alliance with them to March through your Country to disturb any of our Settlements, And that you will give us the Earliest and best Intelligence of any Designs that may be formed by them to our Disadvantage, as we promise to do of any that may be to your's. To enforce what I have now say'd to you in the strongest manner, I present you with this Belt of Wampum.

After a little Pause his Honour the Governor Spoke again:

Friends and Brethren of the Six Nations—

What I have now sayd to you is in conformity to the Treaties subsisting between the Province of which I am Governor and your Nations. I now proceed with the Consent of the Honourable the Commissioners of Virginia and Maryland to tell you That all Differences having been adjusted, and the Roads between us and you made quite clear and open, We are ready to confirm our Treaties with your Nations, and establish a Friendship which is not to end but with the World it

self. And in behalf of the Province of Pennsylvania, I do by this fine Belt of Wampum and a Present of Goods to the Value of Three hundred pounds, confirm and establish the said Treaties of Peace, Union, and Friendship, you on your Parts doing the same.

The Governor further added, The Goods bought with the one Hundred Pounds Sterling Put into my Hands by the Governor of Virginia are ready to be delivered when you Please. The Goods bought and sent up by the People of the Province of Pennsylvania, according to the List which the Interpreter will explain, are laid by themselves, and are likewise ready to be deliver'd to you at your own time.

July 2d, 1744.

A Fourth Speech to the Deputies of the Six Nations
Indians.

THE HONOURABLE COMMISSIONERS OF VIR-
ginia and Maryland have desired me to Speak for
them, therefore I, in behalf of those Governments
as well as of the Province of Pennsylvania, return you
thanks for the many Proofs you have given in your
Speeches of your Zeal for the Service of your Brethren
the English, and in particular for your having so Early
engaged in a Neutrality the Several Tribes of Indians
in the French Alliance. We do not Doubt but you will
faithfully Discharge your Promises. As to your Pres-
ents, we never estimate these things by their Real
Worth, but by the Disposition of the Giver. In this
Light we accept them with Great Pleasure, and put a
high value upon them. We are obliged to you for
Recommending Peace and Good Agreement amongst
ourselves. We are all Subjects as well as you of the
Great King beyond the Water, and in Duty to his Ma-

jesty and from the good Affection we bear to each other, as well as from a regard to our Interests, we shall always be inclined to live in Friendship.

July 4, 1744.

Further Remarks to the Deputies of the Six Nations
Indians.

WE ARE GLAD TO HEAR YOU HAVE SUCH A Dislike for what is French. They cheat you in your Glasses as well as in every thing else. You must Consider we are at a Distance from Williamsburg, Annapolis, and Philadelphia, where our Rum Stores are, and that altho' we brought up a good quantity with us, you have almost drank it out; but notwithstanding this, we have enough left to fill our English Glasses, and will Shew the Difference between the Narrowness of the French and the Generosity of the English towards you.

July 4, 1744.

To the Assembly with Regard to the Action taken in Connection with the War with France, and the New Treaty with the Six Nations Indians.

GENTLEMEN:

Since your last adjournment, his Majesty's Declaration of War against the French King has, by his Command, been published here, and a Proclamation been issued by me, with the Advice of the Council, requiring all Persons under my Government able to bear Arms forthwith to provide themselves with them, that they may be in a good condition not only to defend this

his Majesty's Province, their own Persons, Families, and Estates, but to attack the Enemy in case it shall be required of them. Lists of such as are thought the best qualify'd in the several counties to discipline the Inhabitants, are preparing, and Commissions will be made out for them with all convenient dispatch. This my Journey to Lancaster to meet the Indians prevented my doing sooner, and is all that is at present in my Power to do. The providing a Magazine of Arms and Ammunition to be ready for all exigencies, lies upon the Assembly, and it is the Duty of the Legislature to render the Strength we have useful to the King, our neighbours, and ourselves, by a Law for settling and regulating a Militia agreeable to the Practice in all other His Majesty's Colonies. Without a Law for this Purpose, my Commissions will carry no authority with them (if Persons should be found to accept of them), as the Inhabitants will not appear at any certain stated times for their Instruction in Military Discipline, nor provide themselves with Arms or Ammunition. Nor without such a Law will it be possible to draw them together to repel an Invasion upon this Province, or to send Assistance to New York, or any other of our Neighbors, in case they should be attacked. We have not now the Slothful Spaniard only to deal with. The French are an active, enterprizing Enemy, and however quiet we are at present, or however secure we may now think ourselves, it is not to be doubted but they are Meditating a Blow to be struck where they think it may be done with the least Danger and most advantage to themselves. But whether this be so or not, it is right to Suspect them, and the best Policy to be always upon our Guard. I, for my Part, shall be willing to pass any Bill that shall be laid before me for the purposes I have mentioned, and as readily agree to any Reasonable Indulgence to such as are Religiously persuaded against bearing Arms.

I have it likewise in Command from his Majesty to do every thing in my Power to encourage the fitting out Ships to acts as Privateers against the Enemy. This I have done from a Principle of Obedience; but whoever reflects on the Increase of the French Trade in America, and at the same time on the Great Accession of People to His Majesty's Northern Colonies since the last War, and the Materials they are furnished with for Building and equipping Private Ships of War for distressing the French in their Settlements, Trade, and Commerce, will be convinced that His Majesty has well considered the Interest of his Subjects in these Orders, and that Success in the Execution of them may have great effects even towards bringing the Enemy to Reason, and the War to a Speedy end. I shall but just hint to you that our having a Number of Men and Vessels equipped for Services as Privateers, since some of them will probably be alwise in Port, may likewise be greatly for the Security of this City in case of an attempt upon it by the Privateers of the Enemy. This Part of the King's Dispatches leads me to ask you, what is to be done with any French Prisoners that shall be brought hither? How are they to be maintained? And how am I to be furnished with a Guard for Securing them in Prison here, or for escorting them to the Prisons in the Country? For it will not be prudent or safe either to allow them to walk at Large, or to keep any number of them in the Prison of a Town Circumstanced as this is. If you make a Provision for them at the Expence of the Publick, Some of them may be sent away by every Vessel Bound to England, or other Parts of Europe, and some reserved in different Prisons in the Country, for recovering the Liberty of such of our Country-men as may have the Misfortune to fall into the Enemies' Hands; But if you refuse to do this, our Privateers, to avoid the Expence of maintaining Prisoners here, will of Course set them on shore

in some remote Parts of the French Settlements, where the Sailors of the French Merchantmen will commence Privateers upon his Majesty's Subjects, and our Countrymen will languish in the French Prisons for want of French Prisoners to exchange for them. These are matters worthy of your most serious Consideration, and I hope you will enable me to Act in such a Manner as may be for the good of your fellow-subjects in general, and as may Conceal from an Observing Enemy the Weak side of your own Country in particular.

I have now something more agreeable to lay before you, the Treaty with the Indians of the Six Nations at Lancaster. You will see that they have made a Solmn Renewal of their Friendship with us, and have given me the strongest assurances that they will not suffer the French or any Indians in Alliance with them to march through their Country to disturb any of our settlements, and that they will give us notice of any Designs that may be formed against us by the Enemy, so as they shall come to the Knowledge of them. They have likewise promised to send down some of the Delaware Chiefs with the two Indians present at the Murder of Armstrong and his two Men, for their Examination. Their differences with Virgina and Maryland are also happily accommodated, which must be a very sensible pleasure to every man in the Province, considering that otherwise we should have been unavoidably involved in the Quarrel. The Invitations to the Treaty having been from those two Governments, I did not think it reasonable that any Part of the Expençe of Entertaining the Indians should fall upon Pennsylvania. As to the Expençe of my Journey, they were such as became the Character I was to maintain; I should have been better pleased if I could have lessened them with Credit to the Province.

Observing that there was but one of the Shawonese from their principal Town upon Ohio at the Treaty, I set

a-foot an Enquiry into the Reason of it; and I have been since informed that the Six Nations and the Shawonese are far from being on Good Terms, and that the latter have been endeavouring to draw the Delaware from Shamokin to Ohio, from whence the Six Nations entertain a Jealousy of some ill designs; and it is Whispered amongst them, that should they be obliged to take part in the War between us and the French, they will have the Shawonese and perhaps the Delaware also to Oppose them. As our Influence may have some effect on the Delaware to prevent their Removal to Ohio, it is fortunate that some of their Chiefs are coming down. The Shawonese sent me word the two last summers that they designed me a Visit; but altho' I returned them a very kind Invitation in writing by the same Messengers, they did not come. And indeed it is observable that the Closer our Union has been with the Six Nations the greater distance they have kept from us. I wish any method could be fallen upon to secure them effectually to the British Interest, as they lie upon one Part of our Frontiers, and our most valuable Trade for Skins is with them; but considering their Frequent intercourse with the French and their Inconstancy, I almost despair of it.

I cannot but be apprehensive that the Indian Trade as it is now carry'd on will involve us in some fatal Quarrel with the Indians. Our Traders in Defiance of the Law carry Spirituous Liquors amongst them, and take the Advantage of their inordinate Appetite for it to cheat them of their Skins and their Wampum, which is their Money, and often to bebauch their Wives into the Bargain. Is it to be wondered at then, if when they Recover from the Drunken fit they should take severe Revenges. I shall do all that lies in my Power to prevent these Abuses by ordering a Strict Observance of the Law relating to Licenses, and the rigidest Prosecutions against such as shall be discovered to Sell Rum

to the Indians. But I am Sensible these will avail but little, the ill practices of these people being carry'd on in the Woods, and at such a Distance from the Seat of Government that it will be very difficult to get Evidences to Convict them. If I am Rightly informed, the like abuses of the Traders in New England were the principal Causes of the Indian Wars there, and at length Obliged the Government to take the Trade into its own Hands. This is a matter that well deserves your Attention, and perhaps will soon require your imitation.

July 31st, 1744.

GEO. THOMAS.

Speech to the Delaware Indians.

BRETHREN—

I am well pleased with what you said in the Morning, at it is a testimony of the good Disposition of the Delaware Nation to preserve the Treaties Subsisting between Us and them. We, on our Part, are well inclined to preserve a good Understanding, notwithstanding what has happen'd; but there must be something done first before we proceed to that; the Road is now obstructed and it must be made perfectly clear and free.

I do not impute the Murders that have been Committed to the whole Delaware Nation. I impute them only to the People that Committed them; but it lies on the whole Delaware Nation to see that Justice be done by delivering up the persons present, when the Murders were committed, to be examined and Punished according to Law.

I have not forgot the Promise I made to the Six Nations at Lancaster, that in case the two young men

should, on Examination, be found innocent, they should not be punished but sent safe back to their Friends. I expect, therefore, that you will immediately point out the two Persons, and cause them to be brought to the Chief Justice To-Morrow Morning to be examined. After this is done I have other Business to Speak upon.

August 21st, 1744.

Second Speech to the Delaware Indians.

BRETHREN OF THE DELAWARE NATION:

When you had done Speaking the other Day, I insisted you should immediately deliver up the two Young Men who were present at the Murder of John Armstrong and his Men, to be Examined by the Chief Justice, and when that should be done, and they Examined, I then told you I would give you an Answer to the Several Matters mentioned by you.

I understand the two Young Men were accordingly delivered and have been Examined, and the Chief Justice reports to me that for any thing which appears in their Examination they were not Concerned in any of the Murders.

The next thing in course would be to proceed immediately to the Tryal of Musha Meelan, as well to give you the Satisfaction of being Present as to have the benefit of these Young Men's Evidence, for before he can be condemned they must Speak publicly in a Court of Justice once more what they said in their Examination before the Chief Justice; but as several things Previous to the Tryal are to be done by our forms of Law, which require time, this will make it too long for you to stay. Your Forms and ours differ widely, but ours we know by long Experience are good; they were made for Us by the Great King over the Seas, and it

will be for the Benefit of the Indians to be tryed in the same manner the white People are. In Six Weeks or little more, Musha Meelan will be tryed, and then I desire you would send down the two Young Men to give the same Account at the Tryal as they did before the Chief Justice, and I give you the Strongest Assurances that they shall be taken good care of and sent back soon and with safety.

These points being Settled, and taking it for granted that you will comply with our Request and send down the two young men at the time appointed, I shall now go on to answer the Several things mentioned by you at your first Meeting.

You say it was you who stopped up the Road and layd a great Tree a-cross it—that by these Murders you have broke the Treaties between us, but are willing to open the Road again, to free it from all Obstructions, and to renew the Chain of Friendship, and to recover a good Understanding; And in token of your Sincerity you presented Us with a String of Wampum.

These, your Declarations, are well received by us; we are willing to be reconciled to you—we expect you will make good these Professions, and take care to prevent such outrages for the future, and in token of our Willingness to admitt you again into Friendship we present you with this String of Wampum.

Brethren:

We accept of your Bundle of Skins, and have concluded that they shall not be put to the Account of the Government, but given to the Widow and Children of the Deceased, to wipe away their Tears. And as Friendship is now perfectly restored, we design to make you a Present of Goods in token of our reconciliation, and shall order them to be ready to deliver to you in the afternoon.

Before I conclude, I must say something of the same kind I sayd to the Six Nations. Tho' the Indian

Traders are not the best sort of People, and may do you hurt, yet you are not to take Revenge yourselves, but apply in all such Cases to Conrad Weiser, who is a Justice of Peace, and will hear your Complaint and procure you such redress as our Law will give.

August 24, 1744.

Third Speech to the Delaware Indians.

BRETHREN OF THE DELAWARE NATION:

In the Forenoon you gave a Belt of Wampum to Cover the Wound, and another to remove the Hatchet; I accept your Belts and consent that the wound be cover'd and the Hatchet removed, and this unhappy affair buried under ground. In hopes that the Air may be rendred Pure and never infected again by such an Accident, I present you with this String of Wampum.

That the Council Fire, tho' almost extinguished, may burn rather Brighter than it did before, I give you this String.

And as a proof that my resentment has entirely Subsided, my Gall is removed, and that I shall never more bear in remembrance this unhappy affair,

I give you this String of Wampum.

August 24th, 1744.

To the Assembly Concerning the Fitting out of a Privateer against the French.

GENTLEMEN:

As it is the Duty of my Station to be at all Times watchfull over the Interests of the Province under my Government, and as nothing more essentially concerns them than the Security of its Trade

and Navigation, I think my self indispensably obliged to lay hold of the first Opportunity of delivering to You my sentiments upon a very late Incident, which, as it cannot but have come to your Knowledge, must have in some degree likewise engaged your Thoughts before your Meeting together; that is, the taking of four Vessels upon our Coast by a French Privateer Ship of considerable Force, and the Captain's giving the Men leave to go on Shore, with contemptuous Circumstances, that he was too well acquainted with Philadelphia to apprehend their sending out any Thing to attack him, and that he therefore design'd to Cruize a Fortnight longer in the same Place. If he did not stay out that Time it may be concluded he did his Business sooner, and from the Success he met with that this Ship and the Two Privateer Brigantines, equipped at Louisburg at the same Time, will soon return to an Harvest Plentifull and to be repead without Danger.

Is it not a Reproach to the Name of Englishmen to suffer themselves to be thus insulted when they have the Means in their Hands to maintain their ancient Character? For under proper Regulations a Ship might have been equipped in a few Days capable of driving this Privateer from the Coast, or of bringing her in. And will not your Trade be entirely ruined when the Enemy are convinced by Experience that they may not only Cruize upon Your Coast, but Block up your Port with Impunity? The French in America seemed at first unprepared for War, but now they begin to Act, and it is highly probable their Privateers will Swarm upon our Coast next Summer if we do not put ourselves in a Condition to Act against them, to Convoiy our Vessels off, and to protect them when they come upon our Coast. The Governments of New England, Rhode-Island, and Connecticut, enter'd early into this Method of securing their Trade, and Virginia has been lately obliged, from the Disability of the King's Ships upon that Station, to do the same.

It is not difficult to foresee the ill consequences that will ensue upon a want of Attention, or an ill-timed Parsimony in a Matter of this Importance. If the British Merchants, as well as our own, are not as well protected by this as by other Governments, the Trade of this City will soon be at an End; for no man will carry it on at a certain loss. From hence will follow the Loss of your Ship-building; and the Ship-wright, Smith, Joiner, and all other Artificers concern'd in equipping that noble Machine, must seek for employment elsewhere; and when this Trade is once lost, the Example of a neighbouring City shews that it is not easily to be recover'd. This whole City, indeed, in some way or other depends upon the Merchants, and if he cannot Trade to Advantage it will be soon very sensibly felt by the whole. Even the Farmer, who is too apt to consider the Landed and the Trading Interest in opposition to each other, must confine his Produce to the Consumption of his own family, if the Merchant is disabled from exporting it to foreign Markets.

In Opposition to the fitting out a Vessel for the protection of your Trade, I know it has been said that it is a needless Expence to the Province, since the King's Ships stationed at New-York and Virginia are sufficient to clear the Coast of the Enemies Privateers. But we are now convinced from Experience that the King's Ships have been order'd upon other Services, and that what with the Desertion of their Seamen and their being out of Repair at their return to their Stations, the whole Summer has been spent before they could put to sea again.

GEO. THOMAS.

October 16th, 1744.

To the Assembly Concerning a Bill in the House of Commons to Prohibit the Issue of Bills of Credit in the Colonies.

GENTLEMEN:

By the last Vessel from Bristol I receiv'd a Letter from the Proprietaries, enclosing a Copy of a Bill brought into the House of Commons last Session by Sir John Barnard, Colonel Bladen, and Mr. Fane, in consequence of a Petition, sign'd by Twenty-four Merchants, to prevent the issuing Bills of Credit in the Colonies as a Tender for the Payment of Debts. The Bill was order'd to be Printed, that it may be consider'd next Session. The Gentlemen who brought it in being of great figure and weight in the House, it is concluded that it will be well supported.

As the Interest of this Province may be greatly affected by this Bill, I think it highly adviseable that you immediately prepare a set of Instructions, and Transmit them by the first opportunity, for obviating any Objections that may be raised against the Paper Currency here. Mt. Patridge, as Agent for Rhode-Island. has already engaged Mr. Paris in behalf of that Colony.

GEO. THOMAS.

Octobr. 17th, 1744.

To the Assembly Concerning a Request from the Government of New England for Assistance in an Expedition Against Cape Breton.

GENTLEMEN:

The Papers which I have order'd to be laid before you will inform you of my reason for calling you together before the Time to which you stood Adjourned. The Government of New England requests

our Aid for the Reduction of Cape Breton. The Enterprize shews a fine publick Spirit in that People, and if it succeeds will be greatly for the Honour of His Majesty and the Interest of all his Colonies in North America. The Conquest of Louisburg, which is the only French Port of Consequence in this Part of the World, either for Strength or the Accommodation of large Ships, will banish all apprehensions for the future of Maritime Attempts upon the Colonies, or their Trade upon this Coast; but the Advantages to us and to our Mother Country are so many and so Evident that it will be losing Time to Enumerate them. Dispatch, you will see, is the life of the undertaking. Let me recommend that to You, Gentlemen, with regard to a Provision of Money. I promise you that the Disposition of it shall be diligently and faithfully made, and in such a manner as you shall advise may be most for the Service it is intended to promote.

GEO. THOMAS.

March 4th, 1745.

To the Assembly Concerning the Erection of a New County in the back Parts of Philadelphia and Lancaster Counties.

GENTLEMEN:

Seven of the Inhabitants of the back Parts of Philadelphia and Lancaster Counties having renew'd their Petition to me, setting forth the Inconveniences they labour under on Account of their great distance from the County Courts, and praying that a New County may be erected, agreeable to the Lines marked in a Map of the Province formerly delivered, I repeat to you what I said to a former Assembly, that if it shall

be thought likely to conduce to the Security, Ease, and good Order of that Part of the Government, I shall be willing to grant the Prayer of the Petition, and as a Provision will be best made by a Law for the Establishment of Courts of Judicature, I shall be also willing to join with you in One for that or any other necessary purposes.

GEO. THOMAS.

April 25th, 1745.

To the Assembly Concerning the Proposed Peace between the Catawbaes and the Six Nations, with Remarks Concerning the Defection of Peter Chartier and some of the Shawanese.

GENTLEMEN:

Since your last Meeting I received a Letter from the Governor of Virginia enclosing the Catawbae's Answer to a Message he had sent them pursuant to the Treaty at Lancaster, and desiring my Assistance for settling a Peace between them and the Indians of the Six Nations. I made no difficulty of Promising my best Offices to prevent, if possible, a further effusion of those unhappy people's Blood, and immediately engaged Conrad Weiser to undertake another Journey to Onantago so soon as the Spring should be far enough advanced to afford Grass for his Horses. As the Treachery of the Catawbae's in a former Instance has rendered them justly suspected by the Six Nations, I despair'd of perswading the latter to send Deputies to their Country, and, therefore, instructed Conrad Weiser to propose Williamsburg, or some other Town in Virginia, for the place of Holding the Treaty; but in case the Six Nations cannot be brought to agree

to that to consent to its being at Philadelphia upon condition that they limit the Number of Deputies to five on each side, Notwithstanding Governor Gooch has promised to defray the Expence of this Negotiation, the Charge of an Express or two, or perhaps a few Strowds for a Present to the Indians, will probably fall upon this Province, and I doubt not but You will chearfully provide for it.

I have just received Information that Peter Chartier, after disposing of his Effects in this Government, has gone over to the Enemy. His conduct for some years past has rendred him generally suspected; and it seems my Repremanding him for some very Exceptionable Parts of it is made use of amongst other Things to excuse his Infidelity. Had he been punished as he deserved for the Villanous report he spread two Years ago among the back Inhabitants in order to Spirit them up against such of the Six Nations as should happen to travel through those parts of the Country, he would not have been at this Time with the Enemy; but an Apprehension that the Shawnese (whose perfidious Blood partly Runs in Chartier's Veins), might resent upon our Traders any severitys to him, restrained me from making use of such, and induced me to chuse the Gentle Method of Reproof which his Brutish Disposition has construed into an affront.

I am likewise informed that he has persuaded a considerable number of the Shawnese to remove from their old Town to a greater distance upon another River, and it is not to be doubted but that a Person of his Savage Temper will do Us all the Mischief he can. If you think it worth while, I will send a Spécial Messenger to persuade those Shawnese to return to their former place of Abode, or I will take any other Method you shall advise; tho' it is my Opinion, the Advantages of the Trade Excepted, the further these People remove from our Borders, the better it will be for Us. I have wrote

Letters from Time to Time to the Shawnese Chiefs, inviting them down to Philadelphia, and particularly a very kind one the last fall, which Peter Shaver tells me he deliver'd, but that I have of late received no Answer may be imputed to Chartier's influence over them, and it is too probable that he will make use of it to defeat any future Attempts we shall make to revive their friendship with us.

GEO. THOMAS.

April 25th, 1745.

Proclamation Concerning Trade with Indians.

BY THE HONOURABLE GEORGE THOMAS, Esqr., Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of New Castle, Kent, and Sussex, on Delaware.

"A PROCLAMATION.



Whereas, by several Acts of Assembly of this Province, the selling of Rum to the Indians is Prohibited under severe Penalties, and particularly by an Act of the 12th of King William, it is enacted as follows: "That all Rum, Brandy, or other Strong Liquors that shall be carried or offer'd to Sale or Disposal to or at any of the Indian Towns or Habitations within the Bounds of this Province, shall be forfeit, and it is hereby declared to be forfeit, One-Third to the Governor and Two-Thirds to such Person or Persons as shall Seize the same; and all Persons (as well Indians as others) are hereby impowered to seize and secure all such Rum, Brandy, or other strong Spirits so found at any Indian Towns or Settlements afore-

said." And by another Act of the 8th Year of the late King George the first, it is among other things enacted, "That no Person whatsoever, otherwise than is therein declared, shall Sell, Barter, or Give to any Indian or Indians, or to any other Person for their Use, nor by any Means, directly or indirectly, furnish or cause to be furnished any Indian or Indians with any Rum, Wine, or other strong Liquors, mixed or unmixed, under the Penalty of Twenty Pounds for each Offence; One Half to the Governor for Support of Government, and the other Half to the Informer, or such Person or Persons as will sue for the same." *And further* "That in case any Rum or other Spirits, above the Quantity of one Gallon, be carried among the Indians at their towns, or beyond the Christian Inhabitants, the Person carrying the same, or he in whose Possession the same shall be found, shall forfeit and pay the sum of Twenty pounds to the uses aforesaid." *And further*, "That any Person or Persons whatsoever, after the first Day of August then next following, under the Penalty of Twenty pounds for the Uses aforesaid, shall trade or traffick with any Indian for any Commodity whatsoever, but at their own dwelling Houses & Places of Residence with their ffamilys, within some settled Township of this Province, without being first Recommended to the Governor for his Licence by the Justices of the Court Courts of Quarter Sessions where he resides, or next Quarter Sessions within this Province to the Place of such Resident; and that no Person shall be so licenced without giving Bond in the said Quarter Sessions, with one or more Substantial Freeholders of the same County to be bound with them in the Sum of One hundred Pounds, conditioned that he will duly Observe the Laws of this Province for regulating the Trade with the Indians, which Recommendations and Licenses shall be renew'd Annually in the manner before directed; and shall further, by his Oath or Affirmation,

Oblige himself that he will not directly or indirectly sell or dispose of any Rum or other Spirits, mixed or unmixed, to any Indian."

And whereas, frequent Complaints have been made from Time to Time by the Indians, and of late earnestly renewed, that divers gross irregularities and abuses have been committed in the Indian Countrys, and that many of their People have been cheated and enflamed to such a degree by means of strong Liquors being brought and sold amongst them contrary to the said Laws, as to endanger their own Lives and the Lives of others, I have, therefore, by and with the advice of the Council, thought fit for the future Prevention of such disorders, as far as in me lies, to publish this Proclamation, strictly charging and commanding That no person or persons do hereafter presume to trade with the Indians without first obtaining a License from the Governor for the Time being, according to the directions given in the said Acts of Assembly; and I do hereby also strictly enjoin the Magistrates of the several Counties within this Province, and especially those of the County of Lancaster, where these Abuses are mostly carried on, to be very vigilant and carefull in the discharge of the Duties required of them by the said Acts of Assembly, and in Particular to demand such Licence of Persons Travelling with Goods to Trade with the Indians, and to make or cause diligent search to be made for any Quantity of Rum or other strong Liquors exceeding the Quantity allowed by Law, which they shall have reason to suspect is carrying to the Indians. Moreover, in as much as by the said Act of Assembly of the 12th of King William, all Rum, Brandy, and other Spirits carried into any of the Indian Towns, is declared to be forfeit, One Third to the Governor and the other Two-thirds to the persons seizing the same, I do hereby give full Power and Authority to any Indian or Indians to whom Rum or other Strong

Liquors shall hereafter be offered for Sale contrary to the said Laws, to stave and break to pieces the Cask or Vessel in which such Rum or other strong Liquor is contained, without being accountable to me for my Third part.

Given under my Hand and the Great Seal of the Province of Pennsylvania, at Philadelphia, this seventh day of May, in the Eighteenth Year of the Reign of our Sovereign Lord, George II. King of Great Britain, France, and Ireland, &ca., and in the Year of Our Lord One thousand seven hundred and forty-five.

GEORGE THOMAS.

By Command.

Richard Peter.

GOD SAVE THE KING.

To the Assembly Concerning the Desired Aid to New England in the Expedition against Cape Breton.

GENTLEMEN:

The Secretary is order'd to lay before You two Letters I received on the 25th of last Month from Governor Shirley and Commodore Warren by an Express from Boston. The Importance of these Dispatches laid me under an indispensible Obligation to call you together again before the time to which you stood adjourned, and now you are met I cannot doubt but your Resolutions will be such as may be for the Advancement of His Majesty's Service and the common Interest of the Northern Colonies. The Expedition against Louisbourg you will observe is carried on with his Majesty's Approbation, is supported by Seven of his Ships of War, and has been hitherto attended with such Success as renders it highly probable that the King's

Forces will become Masters of the Place if they shall be reinforced in time by the rest of the Colonies.

As the Measures to be taken by the Government of New England will in some degree depend upon your Resolutions, I hope you will enable me to transmit them by the next Post.

GEO. THOMAS.

June 4th, 1745.

Writ for an Embargo upon the Powder House.

TO CAPTAIN WILLIAM HILL, KEEPER OF
the Powder House.

“Whereas, his Excellency, William Shirley, Esqr., Governor and Commander-in-Chief of His Majesty’s Colony of Massachusetts Bay, has, by his Letter bearing date at Boston the 24th June last, signified to me that the Siege of Louisbourg had quite exhausted all their Magazines, and desires that as it might be uncertain what further demand of Powder there might be for His Majestie’s Service at that Place, I wou’d lay an Embargo on all the Powder here & secure it for some time for the Service of the present Expedition against Cape Breton.

“I have therefore thought fit by and with the advice of the Council to lay such Embargo, and you are hereby ordered and commanded not to deliver any Powder nor suffer any to be delivered out of the Powder House to any Person whatsoever within the space of ten days, or till my further Order. Hereof fail not at your Peril.

“Given under my Hand and Seal at Arms, at Philada. this fifth day of July, 1745.

“GEO. THOMAS.”

To the Assembly Concerning the Success of the Expedition against Cape Breton.

GENTLEMEN:

My duty to his Majesty, my Regard for the Interests of the Colonies, and my concern for the Reputation of Pennsylvania, have all conspired to my calling You together at this time; and I do assure myself that you will joyfully embrace the opportunity of giving a publick and substantial proof of the like Zeal for the King's Service and the common good of your fellow Subject. As it has pleased the Almighty to Grant a Blessing on His Majesty's Arms, and after an uncommon Course of Events to Crown the glorious Enterprize of the Government of New England with Success, I conclude that Arguments to induce you to do your parts for preserving a Conquest of such Importance are altogether unnecessary; and that on this pressing Occasion your Resolutions will be so speedy, as well as effectual, that I may be enabled to give a satisfactory Answer by the next Post to the Letter which I had the Pleasure now to receive by Express from Governor Shirley, and which I have now order'd to be laid before you, together with one since come to hand from Commodore Warren, enclosing a Copy of the Signification of His Majesty's Pleasure, by his Grace the Duke of Newcastle, to the several Governors of the British Colonies in North America.

GEO. THOMAS.

July 23d, 1745.

To the Assembly Concerning the Attempted Seduction of the Six Nations from their Fidelity to the English.

GENTLEMEN:

The Occasion of my calling you together so soon after your adjournment is a Letter I received last week by Express from Governor Clinton, informing me of some late Transactions between the French Governor of Canada and the united Nations of Indians in their Treaty at Monreal, and inviting this Government to send Commissioners to Albany (where he proposes to meet the Indians on the 4th of the next month) furnished with proper means for retaining them in their Fidelity to his Majesty and their Engagements with the respective British Colonies.

When I reflect on the long approved Faith of these People, their grateful Acknowledgements for the Protection from time to time received from the English against the Attempts made by the Enemy to enslave them, and on the solemn Assurances given to me at the late Treaty of Lancaster to observe a strict Neutrality in the present War, and to maintain inviolably their Friendship with the British Colonies, I am not easy to entertain Suspensions to their Prejudice, but upon recollecting what passed in a private Conversation between one of the most politick of their Sachims and our Interpreter when he was last at Onontago, I am not without Apprehensions that the Success of his Majesty's Arms at Cape Breton may induce them to throw themselves into the French Scale in order to preserve the Ballance. For that Indian Sage said, "That however meanly they may be thought of, they were not unacquainted with their own true Interests, and therefore would not join with either Nation in the War unless compelled to it for their own preservation; That hitherto, from their Situation and Alliances, they had been

courted by both, but should either prevail so far as to drive the other out of the Country they should be no longer considered, Presents would be no longer made to them, and in the End they should be obliged to submit to such Laws as the Conquerors should think fit to impose on them." The French Governor has artfully suggested the same things, and their acceptance of a Belt of Wampum from him with the Figure of a Hatchet wrought in it, tho' it be but to deliberate upon it, is a mark of some Degree of Approbation, and by no means a good omen to Us. There is but one probable Method of Securing them in our Interest, and that is to persuade them by out bidding the Enemy, to an Open Declaration for us; Money, notwithstanding their Reasoning, having always been the prevailing Argument with them. Should the present opportunity be lost, it is much to be feared that the Intrigues of the French in the ensuing Winter will seduce and entirely alienate them from us. But supposing the best of them that their Inclinations are with us, and that they are still resolv'd to observe a Neutrality, if their Allies break it and take up the Hatchet against us, they must either join them or fly to us for Protection, which can no way be so effectually secured to them as by an Union of all the Britist Northern Colonies for that purpose. This is a matter which very nearly concerns the Quiet and Safety of the people of Pennsylvania, and as such I recommend it to your most serious Consideration, and have ordered the Letter referred to, with some other Papers, to be laid before you for your more particular Information.

The Secretary will likewise deliver to you another Letter, received since the writs were issu'd from the Governor of Massachusetts, renewing their Application for an aid of Men, Arms, and Ammunition as absolutely necessary for the Defence of Louisbourg against the Attempts which they apprehend will be

made by the Enemy to recover it. The Mortification must be very great to every Lover of his Country should so noble an Acquisition be wrested out of our hands for want of a small Share of that Spirit in the other Colonies to preserve it which inspired the People of New England to undertake and compleat the Conquest of it.

GEO. THOMAS.

Sept. 5th, 1745.

Commission of Thomas Laurence, John Kinsey, and Isaac Norris to Treat with the Six Nations Indians.

A COMMISSION.

GEORGE THE SECOND, BY THE GRACE OF God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth, To Our Trusty and Wellbeloved Thomas Laurence, John Kinsey, and Isaac Norris, Esquires, And to every of them, Greeting: We being informed that divers Attempts have lately been made and practices used on the Indians of the Six United Nations by the French Govr. of Canada to withdraw them from their fidelity to us, And to disanull the Engagements and destroy the Amity subsisting between them and our Loving Subjects, Inhabitants of our Northern Colonies on the Continent of America, for preventing whereof, and for defeating the evil and pernicious designs aforesaid, it is become necessary that a Treaty be held by our Governors of our Colonies aforesaid, or their Delegates, with the United Nations aforesaid; Therefore, Know Ye that Reposing special Trust and Confidence in Your Loyalty, Abilitys, and Circumspection, We have thought fit to Nominate, Constitute, and Appoint You the said Thomas Laurence, John Kinsey, and Issaac

Norris, And every of you our Commissioners on behalf of our Governor of our Province of Pennsylvania. By these Presents Authorizing and Impowering You and each of You to Negotiate & Treat with the Indians of the United Nations aforesaid, or with their or any or every of their Chiefs or Delegates, and with them to renew, ratify, and confirm the League of Amity subsisting between our said Province of Pennsylvania and the united Nations of Indians aforesaid, And in conjunction with our Governor of our other Colonys aforesaid, or with any of them, or their or any of their Delegates, or Separately to Do, Act, Transact, and finally to conclude and agree with the Indians aforesaid all and every other matter and thing whatsoever necessary, touching, or in any wise concerning the premisses as fully and amply to all intents, constructions, and purposes, as our Governor of our Province of Pennsylvania aforesaid might or could do being personally present, hereby Ratifying, Confirming, and holding for firm and effectual whatsoever you the said Thomas Laurence, John Kinsey, and Isaac Norris, or any of you, shall lawfully do in and about concerning the Premisses. In Testimony whereof we have caused the Great Seal of our said Province to be hereto affixed. Witness the Honoble George Thomas, Esqr., with our Royal Approbation Lieutenant Governor under the Honoble John Penn, Thomas Penn, and Richard Penn, Esqrs., true and absolute Proprietaries of our Province of Pennsylvania aforesaid, and the Counties of Newcastle, Kent, and Sussex, upon Delaware, at Philadelphia, the 25th Day of September, in the Nineteenth Year of Our Reign.

[L. S.]
[P.]

GEO. THOMAS.

Instructions to the Commissioners to the Six Nations
Indians.*INSTRUCTIONS TO THE HONOBLE*

[L. S.] Thomas Laurence, Esqr., a Member of the
[P.] Council, The Honoble John Kinsey, Esqr., and
Isaac Norris Esqr., a Member of the House of
Representatives of the Province of Pennsylvania:

As You will herewith receive a Commission Tested by me under the Great Seal of the Province, constituting and appointing you Commissioners for Treating with the Six United Nations of Indians at Albany, You are to proceed thither with all convenient Dispatch in order to Your meeting the said Indians on the 4th of next Month, which is the time appointed by the Governor of New York, at whose Invitation they are expected at that place. You are, after your Arrival at Albany, to take the first opportunity to wait upon the Governor of New York to make him acquainted with your appointment, and to shew him your Commission. You are then to enter upon the Treaty with the said Indians, either conjunctly with the Governor of New York, or Separately, as You shall judge most for the Honour and Interest of the Government You represent, taking especial care that you do not suffer the least Diminution of either in the course of the Treaty. You are by the Province Interpreter, Mr. Weiser, who is order'd to attend You, to enquire by all private ways and means into the truth of the Representation made by the Commissioners for Indian Affairs at Albany, to the Governor of New York, concerning the late Transaction at Monreal between the French Governor of Canada and the Deputies of the said Nations. You are to demand of the said United Nations of Indians what satisfaction they have procured either from the French Governor of Canada or from the Shawonese for the

Robbery committed last Year by the said Shawonese, in conjunction with some French Men, on our Traders (on the Lands of the Six Nations, as they call them) at Ohio. And You are to make the said United Nations of Indians sensible that the said Robbery is a Breach of their Neutrality on the side of the French, & ought to be resented by them. But you are at the same time to be very careful not to do or say anything that may impeach the Title of the Honoble Proprietors of this Province to the Lands upon Ohio by virtue of the Royal Grant to them made. You are to expostulate very freely with the said United Nations upon their breach of Faith in permitting a Party of Oneides Warriors to march to the Southward to Attack the Catawbias, after they had promised that all Hostilities should be suspended until they should meet the Deputies of the Catawbias the next Spring at Philadelphia, in order to their concluding a peace with that Nation. And You are at the same time to inform them that I have made the Governor of Virginia acquainted with the March of the said Oneides Warriors, that he may by a timely notice to the Catawbias prevent their being surprised & treacherously destroy'd by the said Party. You are likewise to make them sensible that their own treachery upon this Occassion makes their former Charge of treachery against the Catawbias extremely suspicious, and that it will not be for the Honour of any of the King's Governments to proceed in their promised Mediation, unless they give them Security forthwith to recall said Warriors & to refrain from all Acts of Hostility until the time of the proposed Treaty. And if this be done to Your Satisfaction, and as effectually as the circumstances of these People will admit of, You are to renew the offer of Mediation in my behalf at the time and place before mentioned.

Your are after these Heads are gone through to expostulate with them upon their late Conduct at Mon-

real (if You find the Commissioners of Albany have made a true Representation of it), and particularly upon their receiving a Belt of Wampum with a Hatchet wrought in it from the Governor of Canada. You are to represent to them the Antient Enmity of the French to their Nations, their Perfidy upon all Occasions, their late unjust Declaration of War again the King of Great Britain and his Subjects, and their Inability to protect them or to Supply them with such Necessarys as they Yearly want for their Subsistence. And you are, on the other hand, to remind them of the long approved Friendship of the English; of the Assistance from time to time given them for the Defence against the Attempts of the French to destroy or enslave them; of the Treatys lately renewed with them by the British Colonies, & the valuable Presents made to them. And You are at the same time to perswade them to a continuance of that Friendship which has so long subsisted, and if You find them cordially disposed to it, and can have any dependence upon their Sincerity, You are to Present them with the Two hundred & fifty Pounds voted by the Assembly in such Goods as You shall think most acceptable to them. You are to keep a Journal of Your Proceedings in the matters recommended to You, and at Your return to deliver it to me, that I may lay it before the Assembly at their next Meeting. And in case any thing should Occur to You at the Place of Treaty which I may have omitted, or it is not possible for me to Instruct You Upon at this distance, I trust from your own Prudence and Judgements that You will Supply my Deficiencies in such a manner as may be most for His Majesty's Service, the Interest of the Northern Colonies in general, and of this in particular. You would be farther Instructed were I at liberty to Act up to my own Judgement to join with the Government of New York in urging the United Nations to an open Declaration against the French, &

in promising them in that case an Aid of Men, Arms, & Ammunition for their Defence; but as the Assembly have not been explicit with me on this head, and it is a measure that may not prove agreeable to them, I shall not venture upon it, since it would be betraying the Indians should they refuse to make it good.

Given under my Hand and the Lesser Seal of the Province of Pennsylvania, this Twenty-fifth Day of September, 1745.

GEO. THOMAS.

Circular Letter to the Several Captains of the Militia in Lancaster County Concerning Rumours of Hostile Preparations By the French and French Indians on a Branch of the Mississippi River.

SIR—

By an Express from the Governor of New York I am inform'd that one Major Swartwoutz, a Dweller in the Minisink, has received Intelligence from two Indians at different times within a Month that the French and French Indians living at a Town or Fort on a Branch of the River Mississippi have made a large house full of Snow Shoes, in order, so soon as the Snow shall fall, to Attack Albany, Sopus, & the back parts of Jersey & Pennsylvania. Although I am not very apt to give credit to Storys of this kind, since they have been so often found to be false, yet considering the Success the French have lately had in Attacking & Plundering the Inhabitants in & about Saraghtoga, in the County of Albany, & carrying away near Seventy of them Prisoners, after they had burnt all their Houses, Barns, & Mills, and considering that Peter Chartier, who is capable of any Villany, is now with the Enemy, it is not improbable that something will be at-

tempted upon the Inhabitants of the back parts of this Province likewise. You are therefore hereby ordered to give notice of this Intelligence to the Company under your Command, that they may have their Arms & a sufficient quantity of Ammunition in readiness to repel the Enemy in case they shou'd make any Attempts upon the Inhabitants on the West side of Sasquehanna. And You are further to take all proper Measures to procure Intelligence from time to time to prevent a Surprise. But you are to be very careful not to offer the least Injury or Violence to any of the Indians in Friendship with Us, but permit them to pass as usual without Molestation, lest you shou'd provoke them to join with the Enemy.

I am, &c.

December 17, 1745.

To the Assembly Concerning the State of the Hostilities Between the English and French, the Recent Treaty with the Six Nations, and the Rebellion in Scotland.

GENTLEMEN:

I take the first Opportunity since the return of the Commissioners from Albany to lay before You my Instructions to them, & their Report of the Treaty held with the Indians of the Six Nations at that Place, and I make no doubt but their Conduct will be as satisfactory to You as it is to me. You will observe by the last Article of these Instructions that had I been at liberty to follow my own Judgment, and been secured of Fund for supplying those Nations with Arms, Ammunition, and other Necessaries for acting offensively against the French, I should, in conjunction with ye Neighbouring Governments, have urged them to an im-

mediate Declaration of War as the only means, in my opinion of securing their fidelity to His Majesty; for as it seems next to impossible for them to maintain their Neutrality much longer, if they are not speedily engaged by His Majestie's Colonies, their own security will oblige them to join with the Enemy. Besides, it is certainly the reverse of good Policy to indulge our Indians in a Neutrality after the French have compelled their's to take up the Hatchet; it is giving the Enemy an Advantage which they have already made use of, and will continue so to do to the Destruction of the Inhabitants upon the Frontiers of the several Provinces. Before I quit this Subject I must acquaint You, that by a Letter received since your last Meeting from the Governor of Virginia, I am informed that the Catawbias have refused to come to Philadelphia, as being too distant from their Country, and have declared that they will not regard any propositions made to them by the Six Nations, without first receiving a Token from them, attested by the Marks of some of their Sachims; and that from hence it is concluded any farther Endeavours to reconcile them will be ineffectual. As this Mediation was set on foot at the desire of Governor Gooch, was to be carried on at the Expence of his Government, and has since been declined by him for the reasons before mentioned, I forthwith took the properest Measures to make the Six Nations acquainted with the Catawbias' Resolutions, that their Deputies might be prevented from coming hither in the Spring, as well to save them the trouble of a fruitless Journey as us the Expence of maintaining them for some time here, & of making them a Present at their departure. There will probably be too frequent Occasions, during the continuance of the War, for Expences of this kind.

You will observe from the Information transmitted by the Governor of New York that preparations have been making by the French & their Indians upon a

Branch of the River Mississippi, for an Attack upon the back parts of this & some of the Neighbouring Colonies. Although there shou'd be no real foundation for this Account, it is not improbable that something will be attempted upon Us this Winter by the Enemy, since Chartier is gone over to them with a considerable Party of the Shawnese, who is well acquainted with the Back parts of this Province, knows the defenceless Condition of the Inhabitants, & is of a savage, treacherous Disposition. This & some other Circumstances consider'd, I forthwith Dispatched a Messenger with Circular Letters to the Officers appointed for a Militia in Lancaster County, with Orders to them to be upon their Guard, and to make the best preparations they cou'd for their Defence, enjoining them at the same time to be very careful not to do any injury to the Indians in Amity with us, or to molest them in their hunting. I likewise sent Directions to Mr. Weiser to employ some of the Delaware Indians at Shamokin as Scouts to watch the Enemy's Motions, and to engage the whole Body of Indians there to harrass them in their March, in case they should attempt any thing against us, and afterwards to join our remote Inhabitants for their mutual Defence. These measures appeared to me so absolutely necessary that I could not doubt of your enabling me to defray any Expence that may attend them.

The last Post brought me a Letter from Admiral Warren, dated at Louisbourg the Twenty-sixth of November, in which he advises me that no Ships were then arrived from Britain, and that as it is probable the Regiments expected from Giberalter will be forced to Leeward Islands by the Severity of the Season, and not arrive at Louisbourg in time for its Defence against the Preparations which he hears are making in Canada to attack it early in the Spring, and even then be perhaps extremely weaken'd by Sickness and

other Accidents, he calls upon me, agreeable to his Grace the Duke of Newcastle's Letter, formerly laid before You, to raise a number of Men for the Defence of that Important Acquisition, and to send them with a quantity of Provisions sufficient for their Support there by the middle of March next. He further informs me that he thinks himself authorized, in conjunction with Sir William Pepperill, to draw Bills for defraying the Expence, and has sent me an Extract of the Duke of Newcastle's Letter to that purpose; but as no Bills have been remitted to me for this Service, nor Officers sent to raise the Men, I must apply to You, and I doubt not but it will be a Service very acceptable to His Majesty, for an advance of so much of the Publick Money as will be necessary for paying, victualling, & transporting as many Men as can be raised in so short a Time, and for rewarding such Officers as shall be commissioned to raise and to conduct them to Louisbourg, since no commissions granted by me can intitle them to any Command in that Garrison, or elsewhere out of this Government.

I need not tell You that the last Vessels from Europe confirmed the Account that a most unnatural Rebellion had broke out, and was then carrying on in Scotland, in favour of a Popish Pretender, supported by France and Spain. At this Distance we can only pray that the Great God of Battles will grant Success to His Majesty's Arms, and that he will confound the Devices of His & our Enemies, open and concealed. I trust that, through the favour of Heaven and the Justice of His Majesty's Cause, we shall soon have an opportunity of offering our Congratulations upon an Event so desirable by Protestants of all Denominations, as well as by all that are for preserving the Freedom and Independency of their Country.

Having mentioned everything to You of a Publick Concern that occur'd to me, I have only to assure You

that whatever shall be laid before me for the Welfare of this Province, will meet with a favorable Reception and as much Dispatch as the Nature of the Business will admit of.

GEO. THOMAS.

January 8th, 1746.

To the Assembly Recommending the Loan of Arms to
the People of Lancaster County.

GENTLEMEN:

Since the Meeting of your House a Petition has been presented to me from a considerable Number of the Inhabitants of Lancaster County, setting forth their Wants of Arms and Amuniton, & their inability to purchase any from their having expended what little substance they had in Clearing & Improving their Lands, and praying that I would recommend to the Assembly the making such a Provision of both as may enable them to defend themselves against any enemy that shall attempt to disturb them.

Whether there be any truth in the late Intelligence from Minisink or not, it must be allowed that there is a possibility of an Attack upon us, and even in that case some Provisions should be made for the Security of our Frontier Settlements at least.

If the Expence of supplying such a Number of People with Arms should be thought too great, three or four hundred may be purchased and delivered to those that want them most, and are most likely to make a right use of them, they giving a Note of Hand either to return them in good Order at a certain time, or to pay the Cost of them into the Publick Treasury, agreeable to the practice in some other Colonies.

GEO. THOMAS.

January 10th, 1746.

To the Assembly Concerning the Appointment of Commissioners to a Conference with New York and New England upon Securing the Fidelity of the Six Nations.

GENTLEMEN:

Having received a Letter from Governor Clinton, and another from Governor Shirley, by the last Post, I have ordered the Secretary to lay them before You. And as I cannot take upon me to enter into any Engagements in Behalf of this Government without your Concurrence and Assurance of enabling me to perform them, my Answers to these Letters must arise from the Resolutions of your House. My Sentiments of the Necessity of an Union of the several Colonies for the Defence of their Frontiers, and of securing the Fidelity of the Six Nations and the Indians dependent upon them, and my Apprehensions of their being otherwise seduced by, or compelled to join with the Enemy, have been so lately made known to You that I need not repeat them. If You shall Agree to my appointing Commissioners to confer with such as are & shall be appointed by the Governors of the several Colonies, I shall chearfully assist them with the best Instructions I can form for their Conduct in an Affair of so great Importance.

GEO. THOMAS.

February 3d, 1746.

Further to the Assembly Concerning the Appointment of Commissioners to Confer with Others from Massachusetts and New York upon the Means of Retaining the Fidelity of the Six Nations.

GENTLEMEN:

You will see by the Letter and other Papers received from Governor Clinton since your last Meeting, that I am again desired to appoint Commis-

sioners in order to concert Measures with those already appointed by him and by Governor Shirley for the Security and Defence of His Majestie's Colonies during the present War, and that the positive Refusal of the Six Nations to join in the War against the French and the Indians in Alliance with them is urged to shew the immediate Necessity of such an Appointment.

My Answer to this Letter was in substance, that I had laid his former Letter on this Subject before you, as I should this at your next Meeting, and I repeated that you had expressed a readiness to enter into any reasonable Measures for His Majestie's Service and the Welfare of the Colonies, but that you had thought it would be time enough to appoint Commissioners for this when you should be made acquainted with the Resolutions of the Neighboring Governments. I observed likewise, that those of Virginia, Maryland, & Connecticut, were still unknown to us.

As my Sentiments on this matter have been fully delivered to you already, I shall only add, that notwithstanding the seeming Resolution of the Council of the Six Nations to preserve a Neutrality, it is much to be apprehended that their young Men who are fond of Military Achievements will join the French Indians in their barbarous Incursions upon the British Colonies, and that the old Men not having Power to restrain will be obliged to wink at them, and perhaps in the end break out into an open Revolt. How fatal such a procedure will be to this and the British Colonies in general you will judge, and I trust that you will not be so wanting to yourselves as not to take the most reasonable Measures to prevent it.

GEO. THOMAS.

May 20th, 1746.

Proclamation for Troops to be Used in Conjunction with the English Forces against the French in America.

BY THE HONOURABLE GEORGE THOMAS, Esqr., Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of Newcastle, Kent, and Sussex, on Delaware.

A PROCLAMATION.



His Grace the Duke of Newcastle, one of His Majesty's principal Secretaries of State, having by His Letter of the 9th of April last signified unto me, as well as to the other Governors of the Northern Colonies, That His Majesty has been pleased to order a considerable Body of His Troops from England under the Command of Lieutenant General St. Clair, with a sufficient Convoy of Men of War to Louisbourg, for the immediate Reduction of Canada, and that I should forthwith make the necessary Dispositions for raising as many Men as the shortness of the time will permit within my Government to be employ'd in concert with His Majesty's regular Forces on this Important Service.

That it is the King's Intention the Troops to be raised should consist of Companies of One hundred Men each; and that those that shall be raised in the several Provinces of New York, New Jersey, Pennsylvania, Maryland, and Virginia, be formed into one Corps to be commanded by Mr. Gooch, Lieutenant Governor of Virginia (whom the King has been pleased on this occasion to promote the Rank of Brigadier General), and they should rendezvous at Albany, within the Province of New York, or at such other Place as Mr. Gooch shall think proper to appoint, in order to proceed from thence by Land into the Southren Parts of Canada;

whilst those to be raised in the Provinces of Massachusetts Bay, New Hampshire, Rhode Island, and Connecticut, are to Rendezvous at Louisburg, and to proceed with the Forces sent from England under Convoy of His Majesty's Fleet up the River St. Lawrence to Quebec.

That in consequence of these Dispositions, His Majesty has been pleased to authorize me to appoint such Officers as I shall thing fit to Command the Troops to be raised within this Government, for which purpose a number of Blank Commissions will be sent me. And I am commanded to assure all such as shall engage in this Service, as well Officers as Soldiers, that they will immediately enter into his Majestie's pay—The Officers from the time they shall engage in His Majestie's Service, and the Soldiers from the respective Days on which they shall enlist. And they shall come in for a share of any Booty to be taken from the Enemy, and be sent back to their respective Habitations when this Service shall be over, unless any of them shall desire to settle Elsewhere; which unquestionable they will be encourag'd to do by Grants of the Conquer'd Lands in preference to all other persons.

That as to the Article of Arms and Clothing for the Men to be raised, His Majesty has commanded me to take care That the Soldiers may be provided with them, and has empowered Lieutenant General St. Clair to make a reasonable allowance for defraying that Expence.

And that if any Persons can be found who are acquainted with the Navigation of the River St. Lawrence, I do engage them by suitable Rewards to serve on board His Majestie's Fleet, and send them as soon as possible to Louisbourg for that purpose.

Now that these His Majestie's Gracious Intentions may be made publick, I do, with the advice of the Council, Issue this Proclamation, Inviting His Majestie's

Subjects within this Government to exert themselves as becomes a Dutiful & Grateful people to the best of Kings, upon an occasion the most interesting to them as well as to all the rest of the British Colonies in North America; An occasion in which the Quiet and Happiness of them and their Posterity are so immediately concerned that it would be an affront to their understandings to make use of Arguments to prove it, An occasion that has been so long and earnestly wish't for, that it would not be unreasonable to expect the whole Body of the People should rise up as one Man to secure, under the Blessing of God, the Success of the Undertaking, and it may justly be hoped as his Majesty has been forced into the War for the Defence of his Crown and the Civil and Religious Rights of his People, that the Almighty will grant a Blessing to his Arms. His Majestie's Subjects in Europe have given proofs of their Loyalty & Affection to his Person and Government beyond the Examples of former Ages to the best of their Kings. An Opportunity is now offer'd to those in North America to shew that a Change of Climate has made no Change in their's. I, for my part, am determin'd to Act with the Duty and Zeal becoming a faithful Servant to a most Gracious Master, and with a Vigour becoming the Trust deposited with me for the Interest & Security of the People under my Government.

Given under my Hand and the Great Seal of the Province of Pennsylvania, at Philadelphia, this ninth Day of June, in the Nineteenth Year of the Reign of our Sovereign Lord, George the Second, King of Great Britain, France, and Ireland, &c., and in the Year of Our Lord One thousand seven hundred and forty-six.

GEORGE THOMAS.

GOD SAVE THE KING.

By His Honours Command.

Richard Peters, Secretary.

To the Assembly in Connection with His Majesty's Order for the Raising of Troops and Supplies in the Province.

GENTLEMEN:

My calling you together so suddenly was occasion'd by a Letter I have received from His Grace the Duke of Newcastle, by the Hinchinbrook Sloop of War arriv'd Express at Boston, signifying to me That His Majesty has been pleas'd to order a considerable Body of his Troops from England, under convoy of a sufficient Squadron of Men to Louisbourg, to be employ'd in the immediate Reduction of Canada, with Troops to be rais'd in the Northern Colonies.

You will observe from his Grace's Letter which I have order'd to be laid before You, that I am directed to recommend to You the providing a sufficient quantity of Provisions for the subsistence of the Troops which shall be rais'd here.

As it is recommended to me likewise to take care that the Soldiers may be provided with Arms and Cloathing, I must apply to You for an Advance of so much of the Publick Money as may be necessary for these purposes, which Expence Lieutenant General St. Clair is authorized and empowered to defray.

The shortness of the Time requiring the utmost Dispatch, a Bounty for the Encouragement of able-bodied Men to engage in this Service will very much expedite the Levies.

Until I see what number of Men can be rais'd it is not possible for me to make an Estimate of the Sum necessary for this Service; but if I may be allow'd to form a Judgment from the Importance of the undertaking to this and the rest of the Northern Colonies, the number will be very considerable; for Success in it will not only deliver them from their present apprehensions of a vigilant and enterprizing Enemy, but in all humane

probability ensure quiet and Security to them and their Posterity—and this shews what Returns of Duty & Gratitude are due to a King who has meditated such Blessings to his North American Subjects.

GEO. THOMAS.

June 10th, 1746.

To the Assembly Objecting to the Issue of Bills of Credit to Obtain Funds for the Purchase of Supplies and Suggesting a Loan.

GENTLEMEN:

I am very much pleased with your Intention to grant a Sum of Money to His Majesty upon this Important Occasion, and I wish it was as much in my Power as it is in my Inclination to agree with you in the Method proposed for raising it; but you must be sensible, from the Royal Instruction communicated to a former Assembly, and I suppose enter'd in the Minutes, that I am forbid, under pain of His Majestie's highest displeasure, from passing any Act for striking Bills of Credit, without Clause restrain'g its operations until the King's pleasure shall be known. Besides, an addition to your Bills of Credit at this time, I apprehend, would very much lessen the value of those already Current, as Exchange to London is already higher than has even been known in this Province. I grant, were I at liberty to pass such a Bill as you expect, it might be a present Convenience, but the future Inconveniences would abundantly outweigh it. The Legislature of this Province has hitherto maintain'd its Reputation this Point, whilst others are sinking under the Load of their numerous Emissions. You may unquestionably procure any Sum upon Loan which you shall be willing to grant to His Majesty, upon Se-

curity to repay it out of the Excise or the Interest of the Bills of Credit already issued.

Whatever you do, Gentlemen, let it be done with Dispatch, for the time presses, and your Example will have a considerable influence upon the Spirits of the People.

GEO. THOMAS.

June 13th, 1746 .

A Continued Objection to the Issue of Bills of Credit.

GENTLEMEN:

I really do not want Inclination to oblige you in every thing you can reasonably desire, and therefore the Mortification to me is greater to be pressed down upon a Point which I am not at liberty to Comply with. The King's Instruction, founded upon the Addresses of the Houses of Lords & Commons, is so positive that I cannot bring myself to such a pitch of Boldness as to contravene it. Arguments are not wanting to shew the Mischiefs like to accrue from an Addition to your Paper Currency, but I would give up my own Reason to You upon this pressing occasion, were that only in the way. Upon a due Consideration of my being thus circumstanced, I promise myself that you will proceed to some less exceptionable Method of raising the Sum designed to be granted for the King's Use.

GEO. THOMAS.

June 14th, 1746.

To the Assembly with Renewal of Recommendations for the Appointment of Commissioners upon the Fidelity of the Six Nations, and Recommending an Additional Appropriation to Permit the Offering of a Bounty upon Enlistment.

GENTLEMEN:

As the Necessity of securing the Indians of the Six Nations in their Fidelity to His Majesty becomes every Day more Pressing and apparent, and I am again solicited by the Governors of New England and New York, whose Letters I have ordered to be laid before you, to appoint Commissioners for that purpose, I must renew my Application to you to enable me to co-operate with the four Northern Governments at the Treaty to be held with those Nations on the Twentieth of the next month, at Albany. And since this is a measure immediately recommended by his Majesty to the Governor of New York, to facilitate the Reduction of Canada, it is not to be doubted but the two Southern Governments will readily accede to it.

Since I heard of the Resolve of your House to grant Five thousand pounds for the King's Use, we have been informed from the Public News Papers of the Bounty given in some other Colonies to encourage able body'd Men to engage in the Service. As the like Bounty will be expected here, the Sum voted will not be sufficient to raise and victual above three Companies, which will fall very short of the general Expectation from a Colony of so much Importance. Let me, therefore, recommend such an addition as may very well comport with the Circumstances of the Province, and be a proof of your at least equalling your Neighbours in Duty to his Majesty and Zeal for the common Interest.

GEO. THOMAS.

June 19th, 1746.

To the Assembly further Concerning the Raising of
Funds for the Provincial Forces.

GENTLEMEN:

If I cou'd think myself at Liberty to consent to an Act forstriking Bills of Credit in the manner you propose, the occasion as well as my Inclination to render a Grant to His Majesty as little burthensome as possible to the people, wou'd soon determine me in favour of it, tho' I cannot but think the present Convenience wou'd be bought too dear, for it is plain to me that an addition to your Currency to be lent out for a Term of Years upon Interest, would lessen the value of the Bills already issued, & consequently affect all Contracts now subsisting, as any the most self Evident proposition. I have not been well informed of what is done or intended to be done in other Colonies as to this point, neither wou'd it become me to Censure the Conduct of their Governors should they act a part different from me. The Circumstances of these Colonies and their Method of sinking their Bills of Credit may be different from this. If I am rightly inform'd it has been done at New York by Taxes, and that in Jersey so great a part of their Currency has been sunk that a new Emission would be no advance upon what has been usually Current there; whereas your's is entire, & to be re-emitted upon Loan for several years to come. If you will agree to sink any addition you shall make to the Five Thousand Pound already voted, by a Tax to be levied in any resonable time, I will give my Assent to an Act for striking Bills of Credit for that Sum, and surely a People who have not paid a Provincial Tax for above Twenty Years past cannot be uneasy under it in a Case which so immediately concerns their own Happiness and that of their Posterity. Should you resolve notwithstanding to confine yourselves to Five Thousand Pounds, which, as I before told You, will not raise & victual above Three Companies, even supposing the

Men are to subsist upon the King's Pay during their stay in this Province, I must be obliged to call upon you for an advance of so much Money as will be necessary to Cloath & Arm them in Case General St. Clair should not arrive in time to furnish me with Bills for that purpose. My own stock has been already advanced for the King's Service in Purchasing Cloathing for the Troops in Garrison at Cape Breton, and for raising the Regiment under the Command of Governor Shirley. Considering how the time presses, abundantly too much of it has been already spent. I beseech you, therefore, to give all the Dispatch possible to this Important Business, that I may be enabled so far to answer the King's Expectation as relates to myself.

GEO. THOMAS.

June 26th, 1746.

Proclamation appointing a Day of General Thanksgiving for the Success of His Majestie's Arms under the Command of His Royal Highness, the Duke of Cumberland, over the Rebels in Scotland.

BY THE HONOURABLE GEORGE THOMAS,
Esqr., Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania, and Counties of New Castle, Kent, and Sussex, on Delaware.

A PROCLAMATION.



Whereas it hath pleased Almighty God, for the Punishment of our Sins & for awakening Us to a juster Sense of His peculiar & distinguishing Blessings to the British Nation above all the Nations upon Earth, to permit an unnatural and Bloody Rebellion to be begun & carried on in Scotland by the Son of a Popish Pretender, encouraged and supported by our ancient and inveterate Enemies the French & Spaniards, and by that Monster of Iniquity the Court

of Rome. *And whereas* God of His Great Mercy after a Chastisement far short of our Deserts, hath at length been pleased to give a blessing to the Forces of our Rightful and Lawful Sovereign King George, under the Command of His Royal Highness the Duke of Cumberland, by a compleat Victory over his ungrateful and rebellious Subjects, and thereby to preserve to the British Nation their Civil and Religious Rights, with their independancy of any foreign Power, I do with the advice of the Council hereby Order That Thursday, the Twenty-fourth Day of this instant July, be observed throughout the Province and Counties under my Government, as a Day of Public Thanksgiving to Almighty God for this and all other His great Mercies, And that the several Minsters of the Gospel do compose Prayers and Sermons suitable to the Occasion, & perform Divine Service on that day in their respective Churches or Houses of Religious Worship.

And that the said Day may be observed with a Solemnity becoming our Christian Profession, and not as has been too often the practice with Drunkenness and other kinds of Licentiousness, to the dishonor of God & to the Reproach of the Christian Name, I do hereby order that the Majestrates and other Officers of Justice be especially careful to prevent all Immoralities or riotous disorders whatsoever. And further I do recommend to the People of the several Religious persuasions within the Province and Counties aforesaid, that they do abstain from all servile Labour on that Day. Given under my Hand & the Great Seal of the Province of Pennsylvania, at Philadelphia, this Fourteenth day of July, in the Twentieth Year of the Reign of our Sovereign Lord, George the Second, King of Great Britain, France & Ireland, &c., and in the Year of our Lord one thousand seven hundred & forty-six.

GEO. THOMAS.

GOD SAVE THE KING.

Congratulatory Address to the King upon His Victory over the Pretender.

TO THE KING'S MOST EXCELLENT MAJESTY.
The Humble Address of the Lieutenant Governor
and Council of the Province of Pennsylvania.

Most Gracious Sovereign:

We, your Majesty's Dutiful & Loyal Subjects, the Lieutenant Governor and Council of the Province of Pennsylvania, being truly sensible of the Blessings we enjoy under your Mejestie's mild & Gracious Government, humbly beg leave, with Hearts full of Joy & Gratitude, to present our most sincere Congratulations on the Success of your Majesty's Arms under His Royal Highness the Duke, in defeating the Rebels in Scotland, and thereby extinguishing the hopes of a Popish Pretender and his detestable Confederates.

If Mercy, Justice, & the strictest Regard & attention to the Liberties and Interests of your Subjects could have secured to Your Majesty a Reign of Peace, Your Annals would not have been Clouded by a black & most unnatural Rebellion; but it is no new thing for Arbitrary Princes to contrive & promote Schemes for the subversion of a Government which is a standing Reproach upon their own, or for wicked Subjects to hate virtues in a King which are Restraints upon their base & Savage Natures.

May the Almighty preserve Your Majestie's precious Life for the general Good of Mankind, direct your Councils, and confound the Devices of your enemies, and may there never be wanting One of Your Royal Blood, form'd upon Your Majestie's Example, to Sway the British Scepter, or one to command the British Armies, in Valour & Conduct equal to the Glorious Instrument of the late signal Victory.

GEO. THOMAS, Govr.

Philadelphia 4th August, 1746.

To the Assembly upon the Support of the Provincial
Troops.

GENTLEMEN:

The Money granted at your last Meeting for the King's Use has & will be applied by me agreeable to His Majesty's Intentions & the Directions of General Gooch, in raising four Companies of Men for an Expedition against Canada, and in providing Tents, Provisions, & other Necessaries for them, as you will see by a Sketch of the Accounts which I have ordered to be laid before You. After the Bounty, Freight of the Provisions, Carriages for the Soldiers, Baggage, and the Expence of their Transportation from Brunswick to Albany are discharged, the Account shall be closed & submitted, with Vouchers for every Article, to the Examination of your House.

The Cloathing, Arms, and Accoutrements have been procured upon my own Credit, in expectation of being speedily enabled to pay for them by Remittances from Lieutenant General St. Clair; but as we have yet no account of his Arrival at Louisbourg, & some of the Persons who supplied me with them grow Importunate for their Money, I am obliged to renew my Application to you for a Loan to His Majesty of so much as will be necessary for this Service.

But the Difficulty I labour under with Regard to the Subsistence of the Men is still greater, as they have received no Pay, and are run into an arrear to the Publick House Keepers for their Quarters from the time of their Inlistment; and if they have not some supply soon it is to be feared they will Mutiny or Desert, so that the greatest part of what has been granted by the Assembly, and provided by the King's Orders, will be lost. In some other Provinces the Soldiers have been allowed Nine Pence P. Diem, or their Victuals, besides the Pay they are to receive from the King, which has preserved

the Governors there, and the Officers of those Troops, from the Embarrasments we find ourselves under here from the Delay of General St. Clair's arrival. The subsistence of the Private Men, exclusive of Officers, amounts to One hundred & forty Pounds per Week, which is too large a Sum to be furnished out of my own private Stock.

After this plain state of the Case, I hope I need not be at much Pains to convince you of the necessity of supplying me with the Sums requisite, as well for discharging the Arrears due for the subsistence of the Troops as for supporting them until the Fleet shall arrive or proper Directions be given by the King for paying them. And I promise myself the more ready compliance from You as it will not be laying any additional Burthen upon the Province, His Majesty having engaged both to defray the Expence of Cloathing & Arms and to allow the Men Pay from the time of their Inlistment. And you may assuredly depend that when Remittances shall be made to me for these purposes, they shall be punctually paid into such hands as your House shall appoint to receive them.

The Exactions of the Publick House Keepers for the Soldiers' Quarters oblige me to recommend the preparing a Bill, either to empower the Justices to Billet them at such a Price as they shall think reasonable, or to settle it yourselves in the Bill. Twelve pence per Day, which is now demanded, is more than is allowed by the King for a Soldier's subsistence, that being but Six Pence Sterling, and is twice as much as is paid in England, tho' Provisions are said to be much cheaper here. This I am sensible is a matter quite new to you; but the Circumstances of the Times will necessarily require many Things which the wisest forecast cannot provide for.

GEO. THOMAS.

August 22d, 1746.

To the Assembly Concerning the Funds for the Provincial Troops.

GENTLEMEN:

Had General St. Clair, with the Troops from England, arrived in time we had reason to expect from His Grace the Duke of Newcastle's Letter, the Money granted by the last Assembly, and applied by me to the Service directed by His Majesty, would have been more than sufficient for the number of Men raised here, but as they received no subsistence from the King, I have been obliged, agreeable to the Assembly Answer to my last Message on this Subject, first, to furnish each Captain with one hundred and fifty Pounds towards the discharge of this Company's Quarters, and afterwards with the like Sum for their subsistence in their March to Albany, so that I am now £413 11 7 in advance, as will appear by the Accounts which I have ordered to be laid before You; for every Article of which I am ready to produce Vouchers to such of the Members of your House as you shall think fit to appoint for the Examination of them. I need not be at any pains to convince you that without this Advance the Troops could not have Marched out of the Province, & consequently would have been a Burden upon the Publick, or have subsisted by Plundering the Inhabitants. You will observe by Governor Gooch's and Governor Shirley's Letters in answer to my Applications to them for the Pay of the Soldiers to discharge their Quarters, that as Those raised in the other Colonies were subsisted by them respectively, I can have no expectation of being re-imbursed by the Crown, nor will be in my power to make any stoppages out of their pay, since it is now all together improbable that it will ever come into my Hands so that my only resource is to You; and I assure myself that as I have nothing but my trouble

for my Pains in this Business, and have acted for the general Ease and Advantage of the Province, you will not allow me to be a sufferer.

You will observe likewise from a Letter which I received last Week from Governor Clinton, that the Troops from hence had threatned a general Desertion if they were not supply'd with Blankets as those from the other Governments had been; and that he had already secured one hundred and fifty for them upon the Credit of this Government, but could get no more. I wrote to him in Answer, That the Money granted was all Expended, and as Blanketts were not allowed by the King as part of a Soldier's Cloathing, I knew not how to act in it, but would recommend it to the Consideration of the Assembly. The Season sufficiently speaks the Necessity of such a Provision, without any Arguments of mine to perswade You to it.

GEO. THOMAS.

October 15th, 1746.

To the Assembly further Concerning the Support of
the Provincial Troops.

GENTLEMEN:

The troops raised in this Government and now in Winters Quarters at Albany, having been furnished with provisions for four months by the direction of Brigadier Gooch, commencing from the Day of their Arrival there, and that time being near expired, it has been recommended by Governor Clinton, and application has been made to me by the Captains of the four Companys, that a timely supply be forthwith sent them. As the season of the Year render'd this imprac-

licable, I thought I might save You the Trouble of a Meeting for this purpose only, and left it to the Commanding Officer to make a reasonable Provision for them in that Country until Your house and a return of favourable Weather should enable me to supply their Wants.

I have not received any Orders from His Majesty relating to the Pay or subsistence of these Troops since Your last Meeting, nor do I hear that any are come to the other Governors upon the Continent, so the care of the four Pennsylvania Companys must still lye upon You.

GEO. THOMAS.

January 6th, 1747.

Valedictory Address to the Assembly.

MR. SPEAKER, AND GENTLEMEN OF ASSEMBLY—

I am sorry for the Occasion of condoling with you on the Death of Mr. John Penn, late one of Your Proprietors. As his Humanity, Good nature, and Affability made him much lamented by his private Acquaintance, so his constant Regard for Your Liberties and Interest would render the Loss of him very sensible to the publick, were there not still remaining two worthy Branches of the same Family.

My own want of health, and from thence an Inability to Discharge of the Trust committed to me with that Vigour and punctuality which the Duty of my Station requires, has at length determin'd me to embark, God willing, for England, in hopes that a relaxation from Business or the Change of Climate may afford me some

Relief; And I am, therefore, glad of this Opportunity of seeing you upon your own adjournment, as that may be concluded most convenient to your private Affairs. If you have any thing immediately necessary for the Publick Service to lay before me, you will not fail of receiving a further proof of my Regard for it, but if the Execution is to be carried into a distant time, it will better become me to leave it to my Successor in the Government, as a means of recommending himself to the Goodwill of the People.

It will be to no purpose for me to give a Character of my own Administration. My Lot has fallen into difficult and tempestuous Times, and a greater variety of Business has been transacted during my Nine Years Residence here, than in any time since the Settlement of the Province. Whether any Degree of Prudence or Skill has appeared in my Conduct must be left to the judgment of others. I will only venture to say of myself, that my Intentions have been good, and my Actions incorrupt, and that the Service of his Majesty and the Honour and Reputation of the Province have always had the preference with me to my own ease or private Interest.

As I have received many Marks of the Publick Esteem, it will readily be believed that I take my leave of the Province with concern. I really do, and very heartily, wish it Prosperity. Some Memorials of my past Regard will be left with You, and I shall during my Life embrace every occasion wherein I may be useful of promoting the general Good of Pennsylvania.

GEO. THOMAS.

May 5th, 1747.

To the Assembly in Acknowledgement of its Farewell
Address.

I THANK YOU GENTLEMEN FOR THIS ADDRESS. You have said full as many Things of me as I could expect. Notwithstanding your private Sentiments at this Time, more might look like putting yourselves in the wrong, considering our former Disputes. I can only repeat what I said to You a few Days ago, that I very heartily wish the Prosperity & shall do every thing in my Power for the Service of Pennsylvania.



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